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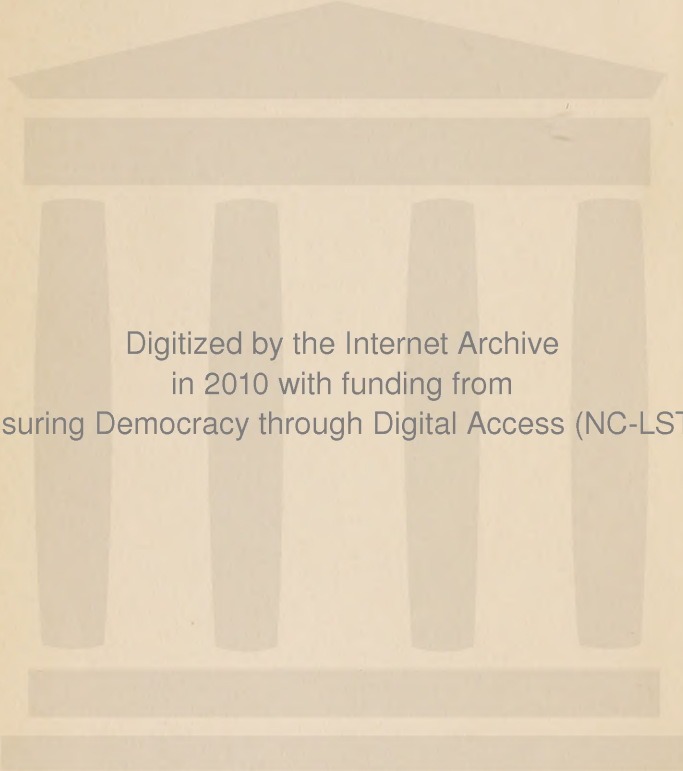
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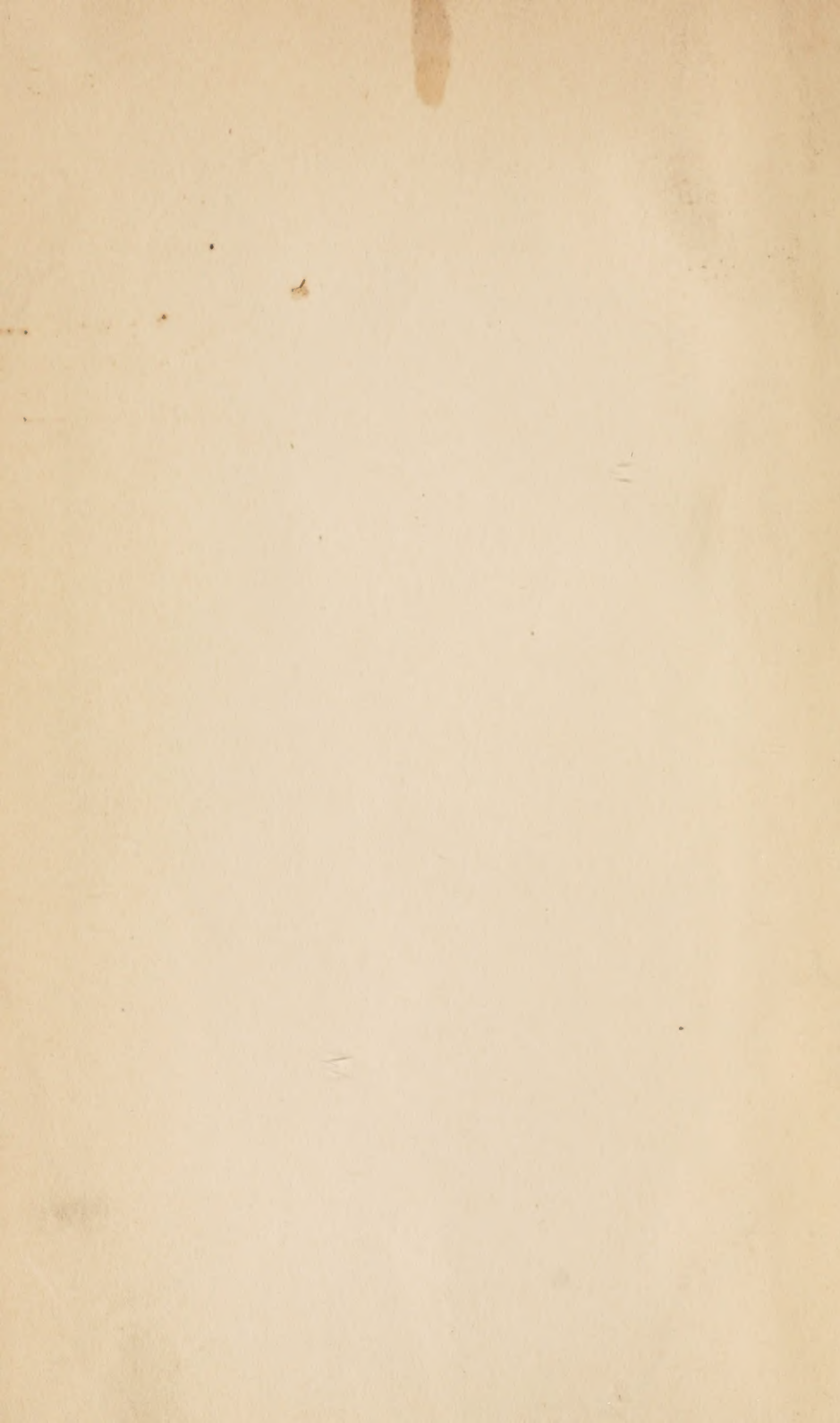
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L A W S

AND

RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSIO N 1873-'74,

BEGUN AND HELD IN THE CITY OF RALEIGH,

On Monday, the Seventeenth day of November, A. D. 1873.

TO WHICH ARE PREFIXED

A REGISTER OF STATE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY AND
JUDICIARY, AND A LIST OF COMMISSIONERS OF AFFIDAVITS.

PUBLISHED BY AUTHORITY.

R A L E I G H :

JOSIAH TURNER, JR., STATE PRINTER AND BINDER.

1874.

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Library, Univ. of
North Carolina
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REGISTER OF STATE OFFICERS,
MEMBERS OF THE GENERAL ASSEMBLY
AND THE
JUDICIARY,
FOR THE YEAR 1874.

OFFICIAL REGISER.

FOR THE

YEAR 1874.

STATE GOVERNMENT.

- TOD R. CALDWELL,.... Burke county,..... Governor.
CURTIS H. BROGDEN,... Wayne county,..... Lieutenant Governor.
WM. H. HOWERTON,.... Rowan county,..... Secretary of State.
JOHN REILLY,..... Cumberland county,.. Auditor.
DAVID A. JENKINS,.... Gaston county,..... Treasurer.
SILAS BURNS,..... Chatham county,..... Sup't of Public Works.
ALEXANDER McIVER,.. Mecklenburg county,.. Sup't of Public Instruct'n
T. L. HARGROVE,..... Granville county,..... Attorney General.
JNO. C. GORMAN,..... Wake county,..... Adjutant General.
W. C. KERR,..... Mecklenburg county,.. State Geologist.
T. R. PURNELL,..... Forsythe county,..... State Librarian.
JNO. B. NEATHERY,.... Wake county,..... Private Sec'y to Govern'r.
T. H. BAILEY,..... Rowan county,..... Clerk to Sec'y of State.
WM. P. WETHERELL,.. Wake county,..... Chief Clerk to Auditor.
D. W. BAIN,..... Wake county,..... Chief Clerk to Treasurer.
A. D. JENKINS,..... Gaston county,..... Assist't Clerk to Treasurer.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
RICHMOND M. PEARSON, Chief Justice,.....	Richmond Hill, N. C.
EDWIN G. READE, Associate Justice,.....	Washington, “
WM. B. RODMAN, Associate Justice,.....	Washington, “
W. P. BYNUM, Associate Justice,.....	Charlotte, “
THOMAS SETTLE, Associate Justice,.....	Greensboro’, “
TAZEWELL L. HARGROVE, Reporter,.....	Raleigh, “
W. H. BAGLEY, Clerk,.....	Raleigh, “
DAVID A. WICKER, Marshal,.....	Raleigh, “

SUPERIOR COURT JUDGES.

DISTRICTS AND NAMES.	RESIDENCES.
1. J. W. ALBERTSON,.....	Hertford, N. C.
2. W. A. MOORE,.....	Plymouth, “
3. W. J. CLARKE,.....	Newbern, “
4. DANIEL L. RUSSELL,.....	Wilmington, “
5. RALPH P. BUXTON,.....	Fayetteville, “
6. SAMUEL W. WATTS,.....	Franklinton, “
7. ALBION W. TOURGEE,.....	Greensboro’, “
8. JOHN M. CLOUD,.....	Winston, “
9. GEORGE W. LOGAN,.....	Rutherfordton, “
10. ANDERSON MITCHELL,.....	Statesville, “
11. JAMES L. HENRY,.....	Asheville, “
12. RILEY H. CANNON,.....	Franklin, “

SOLICITORS.

DISTRICTS AND NAMES.	RESIDENCES.	
1. WILLIS H. BAGLEY,.....	Hertford,	N. C.
2. JOSEPH J. MARTIN,.....	Williamston,	“
3. JOHN V. SHERRARD,.....	Goldsboro’,	“
4. EDWARD CANTWELL,.....	Wilmington,	“
5. A. R. McDONALD,.....	Carthage,	“
6. WILLIAM R. COX,.....	Raleigh,	“
7. J. R. BULLA,.....	Ashboro’,	“
8. A. H. JOYCE,.....	Danbury,	“
9. JOSEPH L. CARSON,.....	Rutherfordson,	“
10. W. P. CALDWELL,.....	Statesville,	“
11. W. G. CANDLER,.....	Asheville,	“
12. R. M. HENRY,.....	Franklin,	“

GENERAL ASSEMBLY.

Convenes in the City of Raleigh on the third Monday in November.

SENATE.

C. H. BROGDEN, Lieutenant Governor, President.

DIST.	COUNTIES.	NAMES OF SENATORS.	RESIDENCES.
1	Currituck, Camden, Pasquotank, Hertford, Gates, Chowan, Perquimans,	John L. Chamberlain,	South Mills, N. C.
2	Tyrrell, Washington, Martin, Dare, Beaufort and Hyde,	C. W. Grandy,	Elizabeth City, " "
3	Northampton and Bertie,	E. Ransom,	Columbia, " "
4	Halifax,	S. L. Johnston,	Plymouth, " "
5	Edgecombe,	Geo. D. Holloman,	Jackson, " "
6	Pitt,	Henry Eppes,	Halifax, " "
7	Wilson, Nash and Franklin,	A. McCabe,	Tarboro', " "
8	Craven,	Jacob McCotter,	Johnson's Mills, " "
9	Jones, Onslow and Carteret,	John W. Dunham,	Wilson, " "
10	Wayne and Duplin,	Wm. K. Davis,	Louisburg, " "
11	Lenoir and Greene,	A. S. Seymour,	Newbern, " "
12	New Hanover,	J. G. Scott,	Jacksonville, " "
		W. A. Allen,	Keenansville, " "
		L. W. Humphrey,	Goldsboro, " "
		R. W. King,	Kinston, " "
		G. L. Mabson,	Wilmington, " "

N. C.

35	Alleghany, Ashe and Watauga,.....	J. W. Todd,.....	Jefferson,
36	Caldwell, Burke, McDowell, Mitchell } and Yancey,.....	W. W. Flemming,.....	Marion,
37	Catawba and Lincoln,.....	J. M. Gudger,.....	Burnsville,
38	Gaston and Cleaveland,.....	Jas. R. Ellis,.....	Hickory Tavern,
39	Rutherford and Polk,.....	W. J. T. Miller,.....	Shelby,
40	Buncombe and Madison,.....	Martin Walker,.....	Rutherfordton,
41	Haywood, Henderson and Transylvania,...	Jas. H. Merrimon,.....	Asheville,
42	Jackson, Swain, Clay, Macon, Cherokee and Graham,.....	W. P. Welch,.....	Waynesville,
		W. L. Love,.....	Franklin,

“ “ “ “ “ “ “

HOUSE OF REPRESENTATIVES.

J. L. ROBINSON, of Macon County, Speaker.

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Alamance,	Jesse Gant,	Big Falls.
Alleghany,	A. M. Bryan,	Cherrylane.
Alexander,	J. M. Carson,	Taylorville.
Anson,	B. T. Bennett,	Wadesboro.
Ashe,	Squire Trivett,	Jefferson.
Beaufort,	Samuel Corson,	Washington.
Bertie,	F. C. Miller,	Windsor.
Bladen,	A. H. Perry,	Elizabethtown.
Brunswick,	J. H. Brooks,	Shallotte.
Buncombe,	T. D. Johnson,	Asheville.
	D. A. Blackwell,	French Broad.
Burke,	P. A. Warlick,	Hickory Tavern.
Cabarrus,	Thomas J. Shinn,	Bost's Mills.
Carteret,	Silas Webb,	Morehead.
Camden,	Simeon A. Jones,	Shiloh.
Caldwell,	Ed. Jones,	Patterson.
Caswell,	Thomas J. Foster,	Yanceyville.
	George Bowe,	Yanceyville.
Catawba,	R. B. B. Houston,	Catawba Station.
Chatham,	John M. Moring,	Morrisville.
	O. A. Hanner,	St. Lawrence.
Cherokee,	B. K. Dickey,	Murphy.
Chowan,	John L. Winslow,	Wardville.
Clay,	J. S. Anderson,	Hayesville.
Cleaveland,	John W. Gidney,	Shelby.
Columbus,	V. V. Richardson,	Whiteville.
Craven,	I. B. Abbott,	Newbern.
	E. R. Dudley,	Newbern.
Cumberland,	G. W. Bullard,	Fayetteville.
	T. S. Lutterloh,	Fayetteville.
Currituck,	J. M. Woodhouse,	Poplar Branch.
Dare,	Oliver N. Gray,	Beacon Hill.
Davidson,	J. T. Brown,	Lexington.
	John Michael,	Lexington.

HOUSE OF REPRESENTATIVES.—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Davie,.....	Charles Anderson,.....	Mocksville.
Duplin,.....	John D. Stanford,.....	Keenansville.
	J. K. Outlaw,.....	Outlaw's Bridge.
Edgecombe,.	Willis Bunn,.....	Battleboro.
	Joseph Cobb,.....	Tarboro.
Forsythe,.....	W. H. Wheeler,.....	Salem.
Franklin,.....	John H. Williamson,.....	Louisburg.
Gaston,.....	W. A. Stowe,.....	Wood Lawn.
Gates,.....	R. H. Ballard,.....	Gatesville.
Graham,.....	Votes with Cherokee,.....	
Granville,....	R. G. Snead,.....	Townesville.
	H. T. Hughes,.....	Oxford.
Greene,.....	Jno. Patrick,.....	Snow Hill.
Guilford,....	Joseph Gilmer,.....	Gilmer's Store.
	William Wiley,.....	Jamestown.
Halifax,.....	J. J. Goodwyn,.....	Halifax.
	John Bryant,.....	Halifax.
Harnett,.....	J. R. Grady,.....	Harnett C. H.
Haywood,....	H. P. Haynes,.....	Pigeon River.
Henderson,....	James Blythe,.....	Blue Ridge.
Hertford,....	James Sharp,.....	Harrellsville.
Hyde,.....	William S. Carter,.....	Fairfield.
Iredell,.....	C. L. Shinn,.....	Granite Hill.
	C. L. Turner,.....	Turnersburg.
Jackson,.....	J. N. Bryson,.....	Cashin's Valley.
Johnston, ...	W. H. Joyner,.....	Princeton.
	Jesse Hinnant,.....	Earpsboro'.
Jones,.....	Jacob F. Scott,.....	Trenton.
Lenoir,.....	Anthony Davis,.....	Kinston.
Lincoln,.....	A. Costner,.....	Lincolnton.
Macon,.....	J. L. Robinson,.....	Franklin.
Martin,.....	J. R. Mizell,.....	Jamesville.
Madison,.....	H. A. Gudger,.....	Marshall.
McDowell, ...	G. W. Freeman,.....	Marion,
Mecklenburg, }	John E. Brown,.....	Charlotte,
	S. W. Reid,.....	Charlotte.
Mitchell,.....	J. W. Bowman,.....	Bakersville.
Moore,.....	J. Shaw,.....	Carthage.
Montgomery,...	Allen Jordan,.....	Troy.

HOUSE OF REPRESENTATIVES.—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Nash,.....	John E. Lindsay,.....	Nashville.
New Hanover	James Heaton,.....	Wilmington.
	Wm. H. McLaurin,.....	Wilmington.
	Alfred Lloyd,.....	Wilmington.
Northampton, ..	Burton H. Jones,.....	Jackson.
Onslow,	J. W. Shackelford,.....	Richlands.
Orange,	Pride Jones,.....	Hillsboro.
	Jones Watson,.....	Chapel Hill.
Pasquotank, ...	F. M. Godfrey,.....	Elizabeth City.
Pamlico,.....	Votes with Beaufort.....	
Person,.....	Montford McGehee,.....	Cunningham's Store.
Perquimans, ...	J. R. Darden,.....	Belvidere.
Pitt,	Wm. P. Bryan,.....	Bethel.
	Guilford Cox,	Coxville.
Polk,	N. B. Hampton,.....	Columbus.
Randolph, ...	J. W. Bean,.....	Franklinsville.
	Geo. W. Reid,.....	Ashboro.
Richmond, ...	Robert Fletcher,.....	Rockingham.
Robeson,	W. S. Norment,.....	Lumberton.
	Thomas A. McNeill,.....	Shoe Heel.
Rockingham,	David Settle,.....	Wentworth.
	A. B. Johns,.....	Leaksville.
Rowan,.....	F. N. Luckey,.....	China Grove.
	Kerr Craige,.....	Salisbury.
Rutherford,...	Eli Whisnant,.....	First Broad.
Sampson,....	J. R. Maxwell,.....	Dismal.
	W. H. Bryan,.....	Newton Grove.
Stanley,	M. T. Waddill,.....	Norwood.
Stokes,	J. G. H. Mitchell,.....	Red Shoals.
Surry,.....	H. M. Waugh,.....	Dobson.
Swain,	T. D. Bryson,.....	Robinsville.
Transylvania, ..	F. J. Whitmire,.....	Brevard.
Tyrrell,	B. Jones,.....	Columbia.
Union,	Lemuel Presson,	Monroe.
	M. V'B. Gilbert,.....	Raleigh.
	John C. Gorman,.....	Raleigh.
	R. S. Perry,.....	Raleigh.
Wake,.....	Stewart Ellison,.....	Raleigh.

HOUSE OF REPRESENTATIVES.—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	RESIDENCES.
Warren,	{ Geo. H. King,	Warrenton.
	{ J. W. H. Paschall,	Macon Depot.
Washington, . . .	D. C. Guyther,	Plymouth.
Watauga,	J. B. Todd,	Boone.
Wayne,	{ Jno. C. Rhodes,	Dudley.
	{ E. G. Copeland,	Goldsboro.
Wilkes,	{ Thomas J. Dula,	Wilkesboro.
	{ A. C. Bryan,	Trap Hill.
Wilson,	H. C. Moss,	Wilson.
Yadkin,	J. G. Marler,	Yadkinville.
Yancey,	J. C. Byrd,	Burnsville.

LIST
OF
COMMISSIONERS OF AFFIDAVITS,
IN THE
SEVERAL STATES AND TERRITORIES
AND IN THE
DISTRICT OF COLUMBIA,
FOR THE
STATE OF NORTH CAROLINA.

LIST OF COMMISSIONERS OF AFFIDAVITS, &C.,

FOR THE

STATE OF NORTH CAROLINA.

List of Commissioners of Affidavits in the several States and Territories, and in the District of Columbia, for the State of North Carolina, appointed since July 4th, 1868, together with residence, dates of commission and qualification of each.

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Arkansas,	Jas. M. Alexander,	Helena,	February 10, 1871,	March 18, 1871.
"	E. J. Brooks,	Fort Smith,	November 23, 1870,	March 25, 1872.
California,	Rufus V. M'Cracken,	Pine Bluff,	June 12, 1873,	July 3, 1873.
"	N. Proctor Smith,	San Francisco,	June 1, 1869,	November 19, 1866.
"	Frank V. Scudder,	"	August 25, 1869,	November 19, 1869.
"	C. M. Arnold,	San Diego,	January 18, 1871,	February 6, 1871.
"	P. Crittendon,	San Francisco,	January 5, 1871,	January 20, 1871.
"	Edward Cadwalader,	Sacramento,	October 27, 1868,	December 26, 1872.
Connecticut,	Julius Twiss,	New Haven,	May 23, 1870,	May 18, 1870.
"	Edward Goodman,	Hartford,	May 23, 1871,	May 26, 1871.
"	David G. Gordon,	"	March 14, 1872,	March 21, 1872.
"	Henry E. Taintor,	"	April 12, 1873,	April 23, 1873.
"	John C. Hollister,	New Haven,	September 16, 1873,	September 20, 1873.
Delaware,	Albert W. Smith,	Wilmington,	July 2, 1873,	July 8, 1873.

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
District of Columbia,	Joseph T. K. Plant,	Washington,	August 4,	1869, November 18,
"	M. Willingsford,	"	February 21,	1870, March 4,
Florida,	Charles B. Graybill,	Jacksonville,	July 17,	1874, August 3,
"	George Lewis,	Tallahassee,	October 23,	1871, November 4,
"	J. H. Norton,	Jacksonville,	October 24,	1871, March 12,
"	Joseph H. Durkee,	"	May 11,	1872, May 15,
Georgia,	Frank H. Miller,	Augusta,	June 1,	1870, November 12,
"	Allen Fort,	Americus,	May 7,	1869, November 13,
"	John W. Burroughs,	Savannah,	March 21,	1871, March 23,
"	Raphael J. Moses, Jr.	Columbus,	April 10,	1871, April 28,
"	Thomas J. Perry,	Rome,	January 25,	1872, January 29,
"	R. J. Moses,	Columbus,	February 21,	1873, February 27,
"	Samuel Levy,	Augusta,	September 15,	1873, September 20,
Illinois,	John B. Hicks,	Metropolis,	March 10,	1870, April 2,
"	Simeon W. King,	Chicago,	June 1,	1870, June 23,
"	Philip A. Hayne,	"	June 1,	1870, November 15,
Louisiana,	James Graham,	New Orleans,	June 1,	1870, November 15,
"	John G. Eustis,	"	April 7,	1873, April 12,
"	Andrew Hero, Jr.,	"	March 25,	1873, April 1,
Maine,	James O'Donnell,	Portland,	June 1,	1870, June 19,
Maryland,	Herman L. Emmons,	Baltimore,	June 1,	1869, July 6,
"	W. M. Lattimer,	"	May 19,	1869, May 24,
"	George Philpot,	"	June 1,	1869, December 14,
"	H. R. Dulany,	"	June 1,	1869, December 27,

"	William Quarlmeier,	"	August	17,	1872,	August	28,	1872.
"	W. J. Waterman,	"	September	25,	1872,	September	26,	1872.
"	+Thomas R. Purnell,	"	February	16,	1871,	February	27,	1871.
"	Wm. B. Hill,	"	September	29,	1873,	October	1,	1873.
"	Henry Brock,	"	January	22,	1874,	January	27,	1874.
Massachusetts,	Chas. B. F. Adams,	Boston,	June	1,	1869,	July	14,	1869.
"	James B. Bell,	"	June	1,	1869,	July	22,	1869.
"	Samuel Jennison,	"	May	13,	1870,	May	21,	1870.
"	George A. Drury,	"	April	23,	1872,	April	26,	1872.
"	Charles H. Adams,	"	October	1,	1872,	October	4,	1872.
"	S. A. B. Abbott,	"	October	4,	1869,	December	6,	1870.
"	Edward J. Jones,	"	March	21,	1873,	March	24,	1873.
"	George J. Angel,	"	December	8,	1873,	December	11,	1873.
Missouri,	Theodore Papin,	St. Louis,	June	1,	1869,	July	3,	1869.
"	Austin Drake,	"	February	16,	1871,	March	4,	1871.
"	John R. Boas,	"	November	22,	1872,	March	16,	1872.
Mississippi,	E. W. Upshaw,	Holly Springs,	January	1,	1870,	February	7,	1870.
"	H. M. Sullivan,	Oxford,	August	9,	1872,	August	13,	1872.
Minnesota,	Cyrus Aldrich,	Minneapolis,	March	31,	1870,	June	20,	1870.
"	C. McReeve,	"	March	12,	1872,	March	23,	1872.
North Carolina,	Charles Hibbard,	Newbern,	May	7,	1869,	April	7,	1870.
New Jersey,	Garrett B. Adrian,	New Brunswick,	August	20,	1868,	April	27,	1869.
New York,	Nathaniel Gill,	New York City,	August	20,	1868,	June	1,	1869.
"	Charles H. Hatch,	"	February	16,	1869,	February	16,	1869.
"	W. E. Osborn,	Brooklyn,	April	16,	1869,	April	19,	1869.
"	Horace Andrews,	New York City,	May	20,	1869,	May	26,	1869.
"	Lucius W. How,	"	April	28,	1873,	May	3,	1873.
"	Moses B. Maclay,	"	June	1,	1869,	June	29,	1869.
"	David McAdams,	"	May	20,	1869,	July	16,	1869.
"	James M. Slevin,	"	August	18,	1869,	September	13,	1869.
"	Michael Jacobs,	"	April	6,	1869,	May	15,	1869.
"	Henry C. Banks,	"	June	10,	1869,	June	10,	1869.

LIST OF COMMISSIONERS OF AFFIDAVITS.—(Continued.)

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTM ^T .	DATE OF QUALIFICAT ^N .
New York	A. C. Anderson,	New York City,	May 20, 1869,	November 16, 1869.
"	G. W. Collis,	"	May 20, 1869,	November 11, 1869.
"	Joseph B. Nones,	"	May 14, 1869,	September 14, 1869.
"	Louis Hurst,	"	June 20, 1869,	December 7, 1869.
"	Alex. Ostrander,	"	May 1, 1869,	November 11, 1869.
"	Charles I. Bushnell,	"	June 1, 1869,	December 21, 1869.
"	Segismund Lasar,	"	June 1, 1869,	December 21, 1869.
"	Sylvester Lay,	"	June 5, 1869,	November 25, 1869.
"	John Bizzell,	"	June 15, 1869,	November 12, 1869.
"	Fred. R. Anderson,	"	June 15, 1869,	November 12, 1869.
"	Rufus K. M. Hay,	"	April 1, 1870,	October 10, 1868.
"	Edwin F. Carey, Sr.,	"	February 22, 1870,	April 2, 1870.
"	Daniel P. Bible,	"	September 1, 1871,	February 23, 1870.
"	Edwin F. Carey, Jr.,	"	September 1, 1871,	June 4, 1870.
"	Arthur W. Knapp,	"	March 10, 1871,	November 23, 1869.
"	Walter S. Poor,	"	March 20, 1871,	March 13, 1871.
"	Alfred B. Smith,	Poughkeepsic,	April 1, 1871,	March 23, 1871.
"	Chas. W. Anderson,	New York City,	April 6, 1871,	April 5, 1871.
"	W. J. Hildreth,	"	February 10, 1871,	April 12, 1871.
"	Edward E. Burr,	"	May 23, 1871,	May 16, 1871.
"	Jacob DeBois,	"	May 27, 1871,	May 25, 1871.
"	J. Spencer Smith,	"	March 17, 1871,	June 2, 1871.
"	Alex. H. Nones,	"	November 25, 1871,	March 22, 1871.
"	Jos. T. Brown,	"	November 25, 1871,	November 28, 1871.

New York,	J. D. Morrell,	New York City,	March	13,	1871,	February	16,	1872.
"	Thomas Kilvert,	"	February	13,	1872,	February	17,	1872.
"	C. H. Smith, Jr.,	"	December	12,	1871,	December	15,	1871.
"	E. Bissell,	"	March	12,	1872,	March	15,	1872.
"	W. H. Clarkson,	"	March	21,	1872,	April	16,	1872.
"	W. S. Oliver,	"	March	12,	1872,	May	1,	1872.
"	Isaac N. Hall,	"	June	10,	1869,	May	28,	1872.
"	D. W. Esmond,	Newburg,	August	4,	1872,	September	6,	1870.
"	F. P. Burke,	New York City,	September	25,	1872,	August	13,	1872.
"	Charles T. Bruen,	"	October	23,	1872,	October	2,	1872.
"	Andrew W. Kent,	"	June	22,	1869,	December	25,	1872.
"	William F. Lett,	"	January	6,	1873,	December	11,	1869.
"	Thomas Sadler,	"	January	13,	1873,	January	9,	1873.
"	S. B. Goodale,	"	January	8,	1873,	January	15,	1873.
"	Charles Edgar Mills,	"	March	21,	1870,	January	20,	1873.
"	W. H. Melich,	"	February	21,	1873,	February	25,	1873.
"	John A. Hillory,	"	February	21,	1873,	February	24,	1873.
"	Geo. W. Brown,	"	February	21,	1873,	February	24,	1873.
"	Jno. Burt,	Warwick,	September	26,	1873,	October	1,	1873.
"	Harold A. Bagley,	New York City,	December	8,	1873,	December	13,	1873.
"	Fred. R. Anderson,	"	February	9,	1874,	February	9,	1874.
"	Chas. Nettleton,	"	July	22,	1873,	March	4,	1874.
"	Jas. Taylor,	"	February	28,	1874,	March	12,	1874.
Ohio,	James Wade, Jr.,	Cleveland,	February	28,	1874,	March	12,	1874.
"	J. B. Conklin,	Cincinnati,	April	10,	1869,	November	11,	1869.
"	A. H. McGuffey,	"	June	1,	1869,	December	16,	1869.
"	Sam'l. S. Carpenter,	"	June	1,	1869,	November	12,	1869.
"	Samuel E. Crawford,	"	June	1,	1869,	December	27,	1869.
Pennsylvania,	Kinely J. Tener,	Philadelphia,	October	28,	1869,	May	6,	1870.
"	Joshua Sperring,	"	June	1,	1869,	June	10,	1869.
"	Charles Chauncey,	"	June	1,	1869,	June	18,	1869.
"	Edward Shippin,	"	June	1,	1869,	July	2,	1869.
			June	1,	1869,	September	1,	1869.

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STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Pennsylvania,	Theo. D. Rand,	Philadelphia,	May 20, 1869,	December 14, 1869.
"	Samuel S. Taylor,	"	May 20, 1869,	November 11, 1869.
"	John McClaren,	Pittsburg,	June 1, 1869,	November 19, 1869.
"	F. Herbut Janvier,	Philadelphia,	January 6, 1870,	January 10, 1870.
"	Henry Phillips, Jr.,	"	December 6, 1869,	December 6, 1869.
"	Geo. W. Thurston,	"	May 8, 1873,	May 9, 1873.
"	G. W. Barton,	"	March 5, 1870,	March 21, 1870.
"	Samuel B. Huay,	"	May 20, 1870,	May 25, 1870.
"	Joseph Frankish,	"	April 25, 1870,	April 28, 1870.
"	Judson R. Sprague,	"	July 6, 1871,	July 11, 1871.
"	Alexander Ramsey,	"	October 3, 1871,	October 7, 1871.
"	John Sparhawk,	"	November 25, 1871,	November 28, 1871.
"	J. P. Diver,	"	November 24, 1871,	November 28, 1871.
"	J. D. Reinboth,	"	March 20, 1873,	March 22, 1873.
"	H. E. Hindmarsh,	"	March 12, 1872,	March 14, 1872.
"	C. H. Krumhaar,	"	March 12, 1872,	March 16, 1872.
"	Samuel M. Grice,	"	February 1, 1871,	February 8, 1871.
"	Henry Reed,	"	April 1, 1873,	April 3, 1873.
"	Cyrus R. Lantz,	Lebanon,	September 18, 1873,	September 22, 1873.
"	J. W. Stone,	Bradford,	June 10, 1873,	December 13, 1873.
South Carolina,	V. J. Tobias,	Charleston,	June 1, 1869,	November 13, 1869.
"	Thomas Frost,	"	February 23, 1870,	March 19, 1870.
"	A. V. Horton,	Cheraw,	March 12, 1872,	April 1, 1872.
"	C. J. Iredell,	Columbia,	October 14, 1872,	October 17, 1872.

South Carolina,	John H. Schofield,	Greenville,	November 11,	1872,	November	20,	1872.
Tennessee,	Henry P. Woodard,	Memphis,	October 28,	1868,	October	27,	1869.
"	Josiah W. Westcott,	"	March 31,	1871,	March	7,	1871.
"	James E. Temple,	"			November	13,	1869.
"	John C. Reeves,	Summerville,	August 25,	1868,	December	30,	1869.
"	Hudson Carey,	Memphis,	November 6,	1869,	November	12,	1869.
"	Henry F. Dix,	"	August 22,	1871,	August	31,	1871.
"	R. Dudley Frayser,	"	December 23,	1868,	December	29,	1868.
"	Jas. K. Stephens,	Jackson,	August 14,	1873,	August	19,	1873.
Texas,	R. D. Johnson,	Galveston County,	June 1,	1869,	November	17,	1869.
"	J. M. Long,	Paris,	March 21,	1872,	April	19,	1872.
"	E. C. Chambers,	Montgomery,	December 19,	1870,	January	2,	1871.
Virginia,	S. B. Ginn,	Norfolk,	May 20,	1869,	January	5,	1869.
"	Alexander Donnan,	Petersburg,			May	26,	1869.
"	John R. Kilby,	Suffolk,	September 10,	1869,	May	20,	1869.
"	Warren G. Elliott,	Norfolk,	May 20,	1869,	September	20,	1869.
"	Frank A. Wilcox,	"	May 3,	1869,	November	16,	1869.
"	T. R. Borland,	"	June 22,	1869,	May	5,	1869.
"	Gilbert Elliott,	"	September 1,	1869,	November	13,	1869.
"	Thomas W. Upshur,	Richmond,	August 28,	1869,	November	11,	1869.
"	E. R. Hunter,	County of Norfolk,	August 1,	1866,	December	14,	1869.
"	E. M. Garrett,	Richmond,	June 1,	1866,	November	10,	1869.
"	W. B. Martin,	Norfolk,			October	21,	1868.
"	George M. Peck,	Hampton,	September 21,	1871,	October	11,	1871.
"	William W. Smith,	Norfolk,	November 29,	1870,	December	6,	1870.
"	W. M. Chaplain,	"	October 23,	1871,	May	19,	1871.
"	John S. Rady,	Richmond,	September 5,	1872,	November	13,	1872.
"	William Wise Smith,	Norfolk,	November 29,	1870,	December	6,	1870.
"	I. B. Prince,	Jerusalem,	April 9,	1873,	May	20,	1873.
"	Lucien D. Starke,	Norfolk,	August 13,	1873,	August	15,	1873.

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
West Virginia, France,	A. M. Warner, Emile B. Morrell,	Huntingdon, City of Paris,	September 25, 1873,	September 29, 1873. February 19, 1874.

† Resigned.

NOTE.—Under chapter 73, public laws of 1873 and 1874, all appointments of commissions made previous to February 2d, 1874, must be renewed on or before the 1st of January, 1875, otherwise they will be void. All commissions since February 2d, 1874, will expire in two years after date of issue.

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE,
Raleigh, March 21, 1874.

I, WILLIAM H. HOWERTON, Secretary of State, hereby certify that the foregoing contains a correct list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their qualification and places of residence, as recorded in this office.

WILLIAM H. HOWERTON,
Secretary State.

CAPTIONS
OF THE
LAWS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA,
SESSION 1873-'74.

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PUBLIC LAWS

STATE OF NORTH CAROLINA

SESSION OF 1874

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA.

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION OF 1873-'74.

CHAPTER I.

AN ACT IN REFERENCE TO THE PUBLIC PRINTING.

WHEREAS, At the last session of the General Assembly Preamble.
of North Carolina it was enacted that the Public Printer
should have all the copies of the laws, documents and jour-
nals printed and bound and delivered to the Secretary of
State within forty days as to the first named, and ninety as
to the last, after the final adjournment of any session of the
General Assembly, under a penalty of fifty dollars for each
and every day's delay; *and whereas*, the Printer complied
with the requirements of the said law in so far as the print-
ing of the said laws, documents and journals of the last
session was concerned, but failed to have the same bound
within the time limited and provided by law without real
default on his part, and in consequence the Auditor of the
State has deducted from the account of said printer the sum
of fifty dollars for each day's delay; now therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the Auditor of State be and is hereby directed to allow the accounts of the printer according to the terms of the contract, without deducting from said account the

sum of fifty dollars for each day's delay, or any part thereof.

When to take effect.

SEC. 2. This act shall take effect from its ratification.

Ratified the 26th day of November, A. D. 1873.

CHAPTER II.

AN ACT FOR THE RELIEF OF A. R. BLACK, SHERIFF OF NEW HANOVER COUNTY.

Allowed till 1st of Feb., 1874, to settle taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. R. Black, sheriff of New Hanover county, be allowed until the first day of February, A. D. one thousand eight hundred and seventy-four, to collect and settle the taxes due the State by said county: *Provided*, He shall pay into the Treasury at the time now prescribed by law seventy-five per cent. of said taxes.

Proviso.

When in force.

SEC. 2. That this act shall take effect from its ratification.

Ratified the 26th day of November, A. D. 1873.

CHAPTER III.

AN ACT TO AMEND THE CHARTER OF THE CAROLINA CENTRAL RAILWAY COMPANY.

Amendment to section one.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of an act entitled "An act to incorporate the Carolina Central Railway Company," ratified the twentieth day of February, one thousand eight hundred and seventy-three, be amended, as follows: In line twenty-seven of said section, immediately after the words "to be divided

*Laws 1872-'73
Chp. 75.
Page 96
In orig statute of
in explanation*

into," strike out the word "ten" and insert instead thereof "one hundred," so that clause of the section as amended, will read: "Said capital stock shall not exceed ten millions of dollars, to be divided into one hundred thousand shares of one hundred dollars each."

SEC. 2. That section eighteen (18) of said act be amended as follows: In the eighth line of said section, immediately after the words "not exceeding," strike out the word "twenty" and insert instead thereof the words "twenty-five," so that the said company be authorized to issue its bonds for any amount not exceeding (\$25,000) twenty-five thousand dollars per mile for every mile of road and branches made or purchased, or to be made or purchased by said company. And that to secure this bonds and any other evidences of debt which may be issued by said company, and the interest thereon, the said company may execute and deliver to trustees, to be selected, first, second or other mortgage deeds, mortgaging its corporate franchises and its entire property of every description, under the authority conferred by the nineteenth section of the said act of incorporation.

Sec. 18 amended.

Bonds and interest

SEC. 3. The said company may increase its board of directors to a number not exceeding thirteen.

Directors may be increased.

SEC. 4. That all deeds, including mortgages and deeds of trust, conveying lands or any right of way, or any right or interest in lands to or executed by the Carolina Central Railway Company, in whatsoever county or counties the said lands may be situated, heretofore made or hereafter made to or by the said corporation, and all instruments of writing required to be registered which has been or may be hereafter be made to or by said corporation, may be registered in the county of New Hanover, and the registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever although the lands conveyed may be situated in some other county or counties, and it shall not be necessary to register said deeds or instruments of writing in any other county, any law to the contrary notwithstanding: *And whereas*, some doubts have been suggested concerning

Registration of deeds.

Doubts removed
and organization
declared complete.

the proper organization of said corporation, by reason of some irregularity as to the place and the mode of elections of some of its officers, and for other causes, the Carolina Central Railway Company is hereby declared to be fully and completely organized under its charter, and the organization of said corporation is deemed to have been complete and perfect from and after the election of its board of directors at its first meeting of stockholders held in the city of Wilmington, on the twenty-eighth day of April, one thousand eight hundred and seventy-three.

When in force.

SEC. 5. This act shall take effect from and after its ratification.

Ratified this 1st day of December, A. D., 1873.

CHAPTER IV.

AN ACT TO EXTEND THE TIME ALLOWED SHERIFFS AND TAX COLLECTORS TO SETTLE WITH THE AUDITOR AND PUBLIC TREASURER.

Sheriffs allowed
further time to set-
tle taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sheriffs or other accounting officers of the several counties of this State be allowed until the first Monday in January, one thousand eight hundred and seventy-four, to settle their State tax accounts for the year one thousand eight hundred and seventy-three with the Auditor, and pay the amount for which they are liable to the Treasurer of the State: *Provided*, That said sheriffs and other accounting officers pay in and settle three-fourths of the said taxes as now required by law, and further amount of taxes actually collected: *Provided*, That no sheriff taking benefit under the provisions of this act shall be entitled to mileage for settlement of the deferred taxes.

Proviso

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed. Repeal.

SEC. 3. That this act shall be in force from and after the seventeenth day of November, one thousand eight hundred and seventy-three. When in force;

Ratified the 1st day of December, A. D. 1873.

CHAPTER V.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-ONE—
LAW OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-
TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-
THREE.

SECTION 1. *The General Assembly of North Carolina do enact,* That section one, chapter one hundred and seventy-one, public laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act to prohibit the sale of intoxicating liquors in certain localities," be amended by striking out the words "Vine Hill Academy, in Halifax county," in fourth line from the end of said section. Amendment.

SEC. 2. That this act be in force from and after its ratification. When in force.

Batified this 1st day of December, A. D. 1873.

CHAPTER VI.

AN ACT GIVING THE CONSENT OF THE GENERAL ASSEMBLY OF NORTH CAROLINA TO THE PURCHASE BY THE UNITED STATES OF A TRACT OF LAND IN CURRITUCK COUNTY FOR ERECTING THEREON A LIGHT HOUSE AND THE BUILDINGS CONNECTED THEREWITH.

Consent to erecting a light house given.

SECTION 1. *The General Assembly of North Carolina do enact*, That the consent of the State of North Carolina be and the same is hereby given to the purchase, by the United States or under the authority of the same, of a tract or parcel of land, not exceeding thirty-two (32) acres, lying and situated in the county of Currituck, near the sea coast of the State, for the purpose of erecting thereon a light house and other needful buildings connected therewith, and all deeds, conveyances or other title papers for the same shall be recorded, as in other cases, upon the land records of the county in which the land so conveyed may lie; the consent hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and in consideration of the United States building a light house on the tract of land so purchased.

Exempt from taxation.

SEC. 2. That the tract of land so purchased, together with the tenements and appurtenances for the purposes before mentioned, shall be exempt from taxation by the State of North Carolina.

Execution not hindered by this title.

SEC. 3. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from executing any process or levying any execution within the limits of said tract of land in the same manner as if this act had never been passed.

When in force.

SEC. 4. That this act shall be in force from and after its passage.

Ratified this 2d day of December, A. D. 1873.

CHAPTER VII.

AN ACT TO PROVIDE FOR AND CURE CERTAIN IRREGULARITIES
IN EXECUTIONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That whereas certain executions in various counties in the State were issued from the Superior Courts returnable in sixty days, which bore teste after the passage by the Legislature of the "Act suspending the Code of Civil Procedure," ratified twenty-second day of March, one thousand eight hundred and sixty-nine, said executions are in all respects validated, and all proceedings had under them confirmed, and all sales made under such executions ratified, as if such executions had been made returnable to the next term of the Superior Court after the teste of such executions.

Certain executions made valid.

SEC. 2. That this act shall be in force and effect from and after its ratification.

When in force.

Ratified this 4th day of December, A. D. 1873.

CHAPTER VIII.

AN ACT TO REPEAL AN ACT ENTITLED AN ACT IN REGARD TO
THE TERMS OF THE COURTS IN THE COUNTY OF CRAVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act entitled "An act in regard to the terms of the courts in the county of Craven," ratified the twenty-eighth day of February, one thousand eight hundred and seventy-three, which provides that there shall be four regular terms of the Superior Court in said county be and the same is hereby repealed, and that hereafter there shall be but two regular terms of said court, and that said terms shall be held

Repeal of law relating to terms of court.

at the times prescribed by the law as it existed next before the passage of said act.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 6th day of December, A. D. 1873.

CHAPTER IX.

AN ACT TO CEDE TO THE UNITED STATES A CERTAIN PORTION OF THE LOT OF LAND COMPRISED IN NUMBER NINETY-NINE OF THE LOTS DESIGNATED IN THE PLAN OF THE CITY OF RALEIGH.

Preamble.

WHEREAS, The Government of the United States is about to erect a public building to be used for a court house and post-office of the United States on the northern portion of said lot, ninety-nine, and the plan of said building has been fixed and prescribed by said Government; *and whereas*, in order to allow the proposed building to front Fayetteville street, it will be necessary for it to occupy a vacant portion of the said lot ninety-nine, now set apart as the county court house lot; now, therefore,

Certain lot ceded to the United States.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of enabling the United States to build according to the plan prescribed, the State of North Carolina doth grant to the United States a certain parcel of said court house lot, to-wit: That portion of the same which lies south of the lot now owned by the United States, beginning on Fayetteville street at the north-east corner of said court house lot and running thence twenty feet southwardly along the western side of said street; thence westward parallel with Martin street to Salisbury street; thence northward along said street to the corner on Salisbury street of the lot now owned by the United States; and thence east

Boundary.

ward along the line of said last mentioned lot to the beginning, to have and to hold the said parcel of said court house lot so long as said public building shall remain and be used for the purposes aforesaid and no longer: *Provided, however,* That the space between the southern line of the parcel of land hereby ceded and a line running along and with the northern side of the county court house from Fayetteville street to Salisbury street, shall be occupied by no other building except the county jail and a fitting enclosure therefor: *And provided, further,* That if, at any time, it may be deemed proper by the State to enlarge the county court house it may be thus enlarged by extending it northward so many as fifteen feet, and eastward and westward in connection with such extention. *And provided, also,* That with the exception of these privileges, no other building of any kind shall be erected on said vacant space: *Provided,* That nothing herein contained shall be construed to deprive the State of North Carolina, through the proper officers, of the right to execute civil and criminal process within said ceded district or lot.

Proviso.

Further Proviso.

Exceptions.

Proviso.

SEC. 2. This act shall be in force from its ratification.

When in force.

Ratified this 6th day of December, A. D. 1873.

CHAPTER X.

AN ACT FOR THE RELIEF OF THE SHERIFF OF PASQUOTANK COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That John L. Wood, sheriff of Pasquotank county, be and he is hereby released from all fines, forfeitures and penalties which he may have incurred by reason of his failure to pay to the Public Treasurer of the State three-fourths of the taxes due by him to the State of North Carolina, on

Released from fines, &c.

the first day of December, one thousand eight hundred and seventy-three: *Provided*, That the said Wood shall settle in full the taxes due by him to the State of North Carolina by the first day of January, one thousand eight hundred and seventy-four, under the pains and penalties now provided by law.

Allowed till first of March to make full settlement.

SEC. 2. That said Wood be and he is hereby allowed until the first day of March, one thousand eight hundred and seventy-four, to settle in full the taxes due by him to the county of Pasquotank, for the year one thousand eight hundred and seventy-three.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 6th day of December, A. D. 1873.

CHAPTER XI.

AN ACT TO ESTABLISH ADDITIONAL TERM OF THE SUPERIOR COURT OF GUILFORD COUNTY.

Additional term of court authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be an additional term of the Superior Court of Guilford county, in each year, which shall begin on the fourteenth Monday after the first Monday in September, and shall be held for two weeks (Sundays excepted) unless the business be sooner disposed of.

Original process not returnable to this court.

SEC. 2. That no original or final process in civil actions shall be made returnable to the term of court herein provided for.

Compensation of Judge and Solicitor.

SEC. 3. That the Judge holding such additional term shall receive one hundred dollars, and the Solicitor attending the same shall be allowed twenty dollars additional compensation for their services, to be paid by the county.

SEC. 4. This act to take effect from and after the first day of January next. When in force.

Ratified this 8th day of December, A. D. 1873.

CHAPTER XII.

AN ACT TO AUTHORIZE THE AUDITOR AND TREASURER TO SETTLE WITH THE SURETIES OF JOHN FOLEY, LATE SHERIFF OF PITT COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Auditor be and he is hereby authorized to settle with the sureties of John Foley, late sheriff of Pitt county, certifying to the Treasurer the amount of the account after deducting the commissions and any errors and insolvents to which said Foley would have been entitled had he settled within the time prescribed by law; and the Treasurer is hereby authorized to receive the balance due on the certificate of the Auditor, and give said sureties a receipt for said balance in full. Settlement with sureties authorized.

SEC. 2. That upon a settlement as aforesaid by the sureties of said John Foley, they shall be relieved from the payment of all penalties incurred by reason of the delinquency of said Foley: *Provided*, Such relief shall not extend to costs; *And provided, further*, That the settlement herein provided for shall be made on or before the first day of February, one thousand eight hundred and seventy-four. Relief. Provided.

SEC. 3. This act shall be in force from and after its ratification. When in force.

Ratified this 8th day of December, A. D. 1873.

CHAPTER XIII.

AN ACT FOR THE RELIEF OF THE SURETIES OF J. S. HYDE, LATE
SHERIFF OF GRAHAM COUNTY.

Preamble,

WHEREAS, J. S. Hyde, late sheriff of Graham county, was recently convicted in the Circuit Court of the United States, at Asheville, of circulating counterfeit money :

Allowed till February 1st, 1874, to settle taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties of said J. S. Hyde, or the tax collector or sheriff appointed by the commissioners of Graham county in his stead, be and they are hereby authorized and allowed until the first day of February, anno domini one thousand eight hundred and seventy-four, to collect and pay into the Treasury the taxes due from said county for the year one thousand eight hundred and seventy-three.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 10th day of December, A. D. 1873.

CHAPTER XIV.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SIXTY-FIVE
OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-THREE.

Additional terms of court in Granville repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter (165) one hundred and sixty-five of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act to authorize two additional terms of the Superior Court to be held for the county of Granville," ratified the

third day of March, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified the 10th day of December, A. D. 1873.

CHAPTER XV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE WILMINGTON AND SEASIDE RAILROAD COMPANY," RATIFIED THE TWELFTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the second section of the act referred to in the title of this act be amended by striking out the words "at such other point or points along the sea coast within New Hanover county," in the fifth, sixth and seventh lines of said section, and inserting instead thereof the words, "to such other point or points in any of the eastern counties of this State." Amendment to section two.

SEC. 2. That section third of the act referred to be repealed, and the following substituted therefor, viz: "The capital stock of the company shall be one hundred thousand dollars, in shares of twenty-five dollars each, and such capital stock may be increased to such sum not to exceed one million of dollars as the directors of the company may from time to time consider expedient; and the directors may open books of subscription to the capital stock of the company at such times and places, and under such rules, regulations and terms as they may deem best." Repeal of third section and substitute therefor.

SEC. 3. The shares of the capital stock of said company shall consist of three classes, to be respectively designated as follows, viz: "First preferred stock," "second preferred" Shares classified.

stock," and "special stock;" and in all subscriptions to the stock of said company the particular class of stock intended to be subscribed for shall be set forth. The number of shares of such "first preferred stock" shall not exceed two thousand, nor shall the number of shares of said "second preferred stock" exceed three thousand. The present stockholders of said company who have heretofore paid or who shall hereafter pay on the several shares now respectively held by them, the sum of twenty-five dollars, (whether said sum has been paid on each of said shares by themselves or by those from whom they purchased) and who shall surrender all such receipts or certificates showing payments to that amount on account of the several shares held by them, shall be entitled to receive certificates of share of said "first preferred stock" fully paid up, equal in number to the shares of the present stock now held by them respectively, on each of which the sum of twenty-five dollars has been or shall be paid within such time as the directors of said company shall determine.

Future subscriptions specially designated.

SEC. 4. In all future subscriptions to the capital stock of said company, not only the particular class of stock intended to be subscribed for shall be designated, but also the line of railroad or the particular branch to any line of railroad of said company desired to be constructed by the subscribers, shall be specially designated; and all payments on account of any such subscriptions shall be exclusively applied by said company to the construction and equipment of the particular line of railroad or branch so designated in such several and respective subscriptions; and all dividends of net profits which may accrue from the business and operations of such particular line or branch, shall belong exclusively to the subscribers to the particular stock of said company or their assigns, by means of which such line or branch may have been constructed and equipped. The property, effects and credits now held by said company and all such other property, effects and credits as may hereafter be acquired by or on account of the holders of said first preferred stock,

Credit and effects.

shall be held by said company for the use and benefit exclusively of the present and future holders of such first preferred stock, and such other property, effects and credits as may hereafter be acquired by said company by means derived from subscriptions to either of the other two classes as aforesaid of the stock of said company or by or on account of the holders of either of said other two classes of said stock, shall be held by said company exclusively for the use and benefit of such of the stockholders or their assigns of the particular class either of the second preferred stock or of the special stock by whose subscriptions to such particular class of stock the line or lines of roads respectively held as aforesaid was originally constructed and equipped. It shall be the duty of said company to keep separate books and accounts in reference to the several and respective classes as aforesaid of the stock of said company and of the several lines of road belonging to or held for each and every one of such classes respectively, and all receipts and disbursements shall be debited and credited, and all contracts, debts and engagements of every kind shall be entered in the books so to be kept for the particular class of stock and line or lines of road for or on account of which the same were created. The particular line or lines of road held by said company for any one of said classes of stockholders for or on account of which any contract, obligation or engagement is entered into or made by said company, shall be stated or referred to in such contract, obligation or engagement; and all debts, contracts and engagements entered into or created by said company for or on account of any particular line or lines of road held as aforesaid for the use and benefit of any one of said classes of stockholders, shall be satisfied and discharged by said company from the property, effects and credits of such particular line or lines of road for or on account of which any such debts, contracts or engagements may have been created, and the property, effects and credits held as aforesaid by said company for the use and benefit of any other class of stockholders, shall in no event be liable for the payment or

Company to keep
separate books.

What effects and
credits not liable
for other debts.

Expenses equitably apportioned.

satisfaction of such debts, contracts or engagements. All expenses incurred and all disbursements made by said company, which are properly chargeable to the general or common management of the corporation, shall be equitably apportioned to and among the different classes of stockholders according to the interests respectively of the several classes in such common or general management, and all expenses and disbursements made on account of any particular one of such classes of stock shall be charged exclusively to the particular class for or on account of which the same are incurred or made.

Election.

SEC. 5. At all meetings of the stockholders of said company each share of the first preferred stock shall entitle the holder of the same to one vote; every two shares of the second preferred stock shall entitle the holder of that number to one vote, and every four shares of the special stock shall entitle the holder of that number to one vote. The number of directors of said company may be increased from time to time as the by-laws may prescribe, and at least two of such directors shall be chosen for each of said several classes of stock by the holders of such several classes respectively, and the directors who may be chosen by the holders of the first preferred stock, and the holders of the second preferred stock, shall have the exclusive direction and management of the affairs and operations of the company in connection with the lines of railroad of said company within the present or future limits of the city of Wilmington.

Number of directors, how increased.

Dividends how distributed.

SEC. 6. All dividends of net profits made from the business and operations of any one of the lines of road held by said company for the several use and benefit of the holders of any particular class of stock as aforesaid, shall be divided and distributed exclusively among the holders of the class of stock for whose several use and benefit such line or lines of road from the business and operations of which such dividends shall accrue, is or are held by said company: *Provided, however,* That as between the holders of the first preferred stock, and the holders of the second

Proviso.

preferred stock, instead of keeping, as is hereinbefore provided, separate books and accounts in connection with the business and operations of the different lines of road within the city of Wilmington, held for the several use and benefit of said two classes of stock respectively, that the by-laws of the company may provide that a greater per centage of profits or a larger rate of dividends of the same, shall be payable to the holders of one of said classes of stock than shall be payable to the holders of the other class.

SEC. 7. That said company is hereby authorized to make, construct and maintain such line or lines of turnpike or other roads, leading from the city of Wilmington to such point or points, in the county of New Hanover, as may by the directors be deemed expedient, and to demand, recover and receive such tolls or fare as may, from time to time, be established by the directors from all persons using any such road or any part thereof; and if any person or persons shall use any such road, or any part thereof, without paying the toll or fare due and payable for such use, and the fare or toll so due and payable shall have been demanded by any proper agent or officer of said company, and shall not be paid, every such person or persons so in default shall in every such case be deemed guilty of a misdemeanor, and on conviction before any justice of the peace of the county of New Hanover, shall pay a fine of two dollars, and upon failure to pay said fine, together with the costs of the proceedings against him or them, shall be imprisoned by the justice, before whom any such case shall be tried, not less than five, nor more than twenty days. For the purpose of making any such turnpike or other road, the directors shall open books of subscription to the special stock of said company as is hereinbefore provided, and the previous provisions of this act and the provisions of the act to which this is an amendment, shall apply to the subscribers to said special stock, and to said company in reference to the making of said turnpike or other road, as far as the same may be applicable as fully to all intents

Authorized to construct other roads in New Hanover county.

Tolls.

and purposes as though such turnpike or other road to be made and operated by said company was a line of railroad.

Sections 19 and 20
amended.

SEC. 8. That the words of "five feet on each side of the centre of the track," in the nineteenth and twentieth lines of the sixth section of the act referred to in the title hereof, be stricken out, and the words "which shall be one hundred feet in width if for a line of railroad, and forty feet in width if for a turnpike or road other than a railroad," be inserted in their stead.

Amendment to sec-
tion 9.

SEC. 9. That the words "said railroad" in the second line of the ninth section of the act referred to in the title hereto, be stricken out, and the words "any railroad or turnpike or other road held by or belonging to said company," inserted in their stead.

When in force.

SEC. 10. That this act shall be in force from its ratification.

Ratified this 12th day of December, A. D. 1873.

CHAPTER XVI.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE,
SECTION THIRTEEN, OF BATTLE'S REVISAL.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirteen of said chapter one hundred and twenty-one (121) be amended by striking out in line sixteen after the words General Assembly, in said line, the words "who are not justices of the peace," so that members of the Legislature who are also justices of the peace shall be entitled to a copy of said Revisal; and every member of the Legislature who shall hereafter receive a copy as a justice of the peace shall turn over the same to his successor, under the penalty as by law provided as to dockets and other papers appertaining to his office.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 13th day of December, A. D. 1873.

CHAPTER XVII.

AN ACT FOR THE RELIEF OF CITIZENS OF GRAHAM COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the citizens of Graham county shall not be subject to pay toll at any toll gate within Cherokee county on the Western Turnpike Road. Exempt from paying toll.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 13th day of December, A. D. 1873.

CHAPTER XVIII.

AN ACT IN RELATION TO THE SPECIAL TERM OF WAYNE SUPERIOR COURT, TO BE HELD ON THE FIRST MONDAY IN JANUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Assembly of North Carolina do enact*, That only civil actions shall be tried at the special term of Wayne Superior Court, to commence on the first Monday in January, one thousand eight hundred and seventy-four. Civil actions.

SEC. 2. That no grand jury shall be empannelled at said court, and all criminal actions shall stand continued to the spring term of said Superior Court. No grand jury.

Parties to appear at
Spring Term.

SEC. 3. That all persons recognized to appear at said special term shall appear under their recognizances to the regular spring term, one thousand eight hundred and seventy-four, of said Superior Court.

When in force.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 13th day of December, A. D. 1873.

CHAPTER XIX.

AN ACT TO RESTORE THE RECORDS OF WATAUGA COUNTY.

Preamble.

WHEREAS, Most of the records of Watanga county were carried away and lost by Kirk, in 1865, and the court-house and all the records therein were burned in the spring of one thousand eight hundred and seventy-three :

Restoration of lost
and burnt records.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person who is interested in any record which was so destroyed in the court-house, in the county of Watauga, whether in the Superior Court, the former Court of Equity, the late County Court, or in the office of the register of deeds, or any paper of any kind which was filed in the said court-house or recorded in the records of said county and destroyed as aforesaid, if there is no adverse interest in the subject matter, may file his petition in the Superior Court of said county at term time, and the court may hear parol testimony and shall find the facts, or shall submit proper issues to a jury, and upon the findings of the court or jury, the Judge shall render his judgment according to the findings of the court or jury, and such findings and judgment shall be made a part of the records of said court.

When action to
commence in court.

SEC. 2. That in all cases mentioned in the first section of this act when there are parties interested in the matter adverse to the plaintiff, he shall commence his civil action in

the Superior Court of said county against all persons interested in the subject matter, and shall file his complaint, which shall be sworn to as is prescribed in other actions; and at the next term of the court after the return term, the court may hear the evidence and find the facts, or he may direct issues to be submitted to a jury, and upon the findings of the court or verdict of the jury the Judge shall decree that the record be made in accordance with such findings.

SEC. 3. That in all cases an appeal shall lie to the Supreme Appeals.
Court as in other cases.

SEC. 4. That the court may award costs to either party Costs.
or to neither as his discretion may direct.

SEC. 5. That this act shall be in force from and after its When in force.
ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XX.

AN ACT FOR THE RELIEF OF THE SHERIFF OF CHOWAN COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Time extended.
enact, That the sheriff of Chowan county be allowed until the first Monday in April next to settle in full with the county treasurer of said county the county poor and school taxes for the year one thousand eight hundred and seventy-three, and that said sheriff is hereby relieved from all pains, forfeitures and penalties incurred by reason of not settling before the said first Monday in April next.

SEC. 2. This act shall be in force from and after its ratifi- When in force,
cation.

Ratified this 15th day of December, A. D. 1873.

CHAPTER XXI.

AN ACT TO AUTHORIZE AND REQUIRE THE TREASURER OF
CHEROKEE COUNTY TO TURN OVER TO THE TREASURER OF
GRAHAM COUNTY CERTAIN BONDS, AND FOR OTHER PURPOSES.

Treasurer to turn
over bonds, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county treasurer of Cherokee county shall deliver to the county treasurer of Graham county all bonds, notes or other evidences of debt whatsoever now in his possession, or that may hereafter come into his hands, which were given or may hereafter be given for vacant lands being and lying within the county of Graham.

Lands disposed of
to be certified.

SEC. 2. That in all cases wherein any of the bonds, notes or other evidences of debt described in section one of this act have been disposed of by the county authorities of Cherokee county since the thirtieth day of January, one thousand eight hundred and seventy-two, it shall be the duty of the county treasurer of Cherokee county to give to the treasurer of Graham county a certificate of indebtedness, which certificate shall be approved by the chairman of the board of commissioners for Cherokee county, and such certificates shall be recognized and paid as other county claims are.

When in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 15th day of December, A. D. 1873.

CHAPTER XXII.

AN ACT TO AUTHORIZE THE DAN RIVER COALFIELD RAILROAD
TO BUY THE ATLANTIC, TENNESSEE AND OHIO RAILROAD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Dan River Coalfield Railroad is hereby authorized and empowered to purchase the Atlantic, Tennessee and Ohio Railroad, in North Carolina, on such terms as may be mutually agreed upon, and the said Atlantic, Tennessee and Ohio Railroad is hereby empowered to make such arrangements as will meet the purposes of this act.

Dan river Coalfield Road may purchase.

SEC. 2. That should such purchase be made, the two corporations shall have full powers to consolidate all their interests in the name of the Virginia and Carolina Railroad Company, with right to elect twelve directors, and with all the rights, privileges and immunities now conferred on each corporation by their respective charters.

Powers of corporation in case of purchase.

SEC. 3. That whenever the said Dan River Coalfield Railroad shall have assumed all the liabilities of the said Atlantic, Tennessee and Ohio Railroad, all the assets for the said Atlantic, Tennessee and Ohio Railroad shall go to the Dan River Coalfield Railroad.

Liabilities and assets.

SEC. 4. That it may and shall be lawful for said Virginia and Carolina Railroad Company to make and issue coupon bonds to an amount not exceeding twenty thousand dollars per mile upon such rate of interest, not exceeding eight per cent., and upon such terms as they may wish, and to make, execute and deliver a deed of trust or mortgage, under the common seal of said company, wherein shall be conveyed to the person appointed as trustee the real property, income and franchises of said company, conditioned for the payment of the interest and final redemption of said bonds.

Issue of coupon bonds authorized.

SEC. 5. That the presidents of the respective companies may call a meeting of the said companies after giving twenty days' notice, at the town of Statesville, to consider and carry

Presidents to call a meeting.

into effect the provisions of this bill, provided they agree thereto.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XXIII.

AN ACT FOR THE BENEFIT OF THE FARMERS IN CASHIE NECK,
BERTIE COUNTY.

Fence.

SECTION 1. *The General Assembly of North Carolina do enact*, That a good and sufficient fence, at least five feet high, shall be run from Speller's Ferry, on the Roanoke river, to some point on the Cashie river, at or near Folk's Landing, which point shall be determined by the overseer of said fence.

SEC. 2. That said fence and the water boundary below it shall be the only fence required by law for the protection of crops in districts enclosed, and all owners of stock of every kind in said district shall prevent said stock running at large by keeping good and sufficient pastures, or otherwise as they may choose. Owners of stock at large in the district shall be liable for all damage done by said stock, and shall, for knowingly or negligently permitting any stock to go at large, be liable to indictment for each and every offense.

Commissioners to
appoint overseers.

SEC. 3. The commissioners for Bertie county shall, at their first sitting after the passage of this law, appoint some land owner of said district overseer of said fence for one year, and he shall have said fence put up by the first of March, one thousand eight hundred and seventy-four, and shall apportion the cost of putting it up among the land owners of said district according to their land tax in the district. Should any one refuse or fail to pay, the overseer shall de-

liver the amount to the sheriff, who shall collect it with the other taxes, together with ten per cent. penalty on the amount.

SEC. 4. The said commissioners at their first meeting each and every year shall appoint some land owner of said district overseer of said fence, whose duty it shall be to keep it in good repair, at the expense of said land owners, and by the means aforesaid. For neglect of duty he shall be liable to indictment. He shall be entitled to no compensation for superintendence, but shall not be compelled to serve oftener than one year in five. It shall not be lawful for the owner or manager of any horse, mule, swine, sheep, goat or neat cattle of any description, to permit the said animals to run at large beyond the limits of their lands; and if any of the animals enumerated in this section shall hereafter be found going at large, or upon the lands of any person other than the owners, the owner of such stock shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding one month; and when any animal is found upon the premises of another, in violation of the provisions of this act, such person or persons may take the same and confine it upon the premises; and he shall be allowed to plead by way of counter claim to any action brought for the recovery of the said animal or damages for its detention, the damages which have been done by the animal while on his land in violation of the provisions of this act; and shall have like remedy for expenses incurred in taking, keeping and caring for the same.

Appointments
made every year.

SEC. 5. The said overseer shall have power to take the necessary timber from the lands inside of said district to construct and repair said fence, the owner of said timber to receive for it what may be agreed on, or if there be disagreement, what two men may say it is worth, one of said persons to be selected by the owner of the timber and the other by the overseer; and should the two not agree, they shall select a third person as umpire.

Power of overseer.

When fence to be finished.

SEC. 6. Said fence to be finished by first of March, one thousand eight hundred and seventy-four, and all stock to be kept up by the owners from and after that day.

When in force.

SEC. 7. This act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XXIV.

AN ACT TO EXTEND THE TIME OF TAX COLLECTORS OF M'DOWELL AND YANCEY COUNTIES.

Time extended to February next to settle taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That Andrew Simmons, tax collector for McDowell county for the year one thousand eight hundred and seventy-two, and W. E. Piercy, tax collector for Yancey county for the year one thousand eight hundred and seventy-two, and N. M. Wilson, present sheriff of Yancey county, shall have until the third Monday in February next to settle with the county treasurers of said counties for the taxes due for the year one thousand eight hundred and seventy-two.

Relief.

SEC. 2. That said tax collectors are hereby relieved of any penalties or forfeitures they may have incurred by failure to settle according to law.

When in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 19th day of December, A. D. 1873.

CHAPTER XXV.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS IN THE COUNTIES OF PITT AND HYDE, AND TO PROVIDE FOR THREE REGULAR TERMS OF SAID COURT IN PITT COUNTY EACH YEAR.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be three regular terms of the Superior Court for the county of Pitt in each year, to be held for two weeks, unless the business is sooner disposed of, and that the time for holding the said courts shall be as follows, viz.: On the second and twelfth Mondays after the third Monday in February, and on the second Monday after the third Monday in September: *Provided*, The county of Pitt shall pay to the Judge one hundred dollars for holding the term commencing on twelfth Monday after the third Monday in February, and to the Solicitor twenty dollars, and that no original or final process in civil causes shall be returnable to said term.

Three regular terms authorized.

Time of holding courts in Pitt county.

Proviso.

SEC. 2. The time for holding the Superior Court in Hyde county shall be changed so that the court in Hyde county shall be held as follows, viz.: On the eighth Monday after the third in February and September.

Time changed to September in Hyde county.

SEC. 3. That all precepts, recognizances and other legal proceedings in civil and criminal cases which have been already issued and had, or which may be hereafter issued and had, returnable to next term of the Superior Court of either of said counties of Pitt or Hyde, as now provided, shall be held returnable to the next term of said courts as fixed by this act, and all persons who have been recognized or bound or summoned to appear at the next term of the Superior Court for either of said counties of Pitt or Hyde are hereby required to appear at the time prescribed by this act.

Precepts returnable to what term.

Secretary of State
to furnish copies.

SEC. 4. That the Secretary of State shall forthwith furnish to the Superior Court clerks of Pitt and Hyde counties a duly certified copy of this act.

Repeal.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 19th day of December, A. D. 1873.

CHAPTER XXVI.

AN ACT TO EXTEND THE TIME FOR COLLECTION OF RAILROAD TAXES IN THE COUNTY OF FORSYTHE.

Preamble.

WHEREAS, The citizens of the county of Forsythe are now being seriously incommoded and oppressed, in consequence of the taxes that have been levied to pay the installments that have matured upon the subscription to the North Western North Carolina Railroad; therefore,

Settlement of Rail
road tax extended
to January, 1875.

SECTION 1. *The General Assembly of North Carolina do enact*, That the present railroad tax-collector for the county of Forsythe, his predecessor, or their legal representatives, shall have until the first day of January, Anno Domini one thousand eight hundred and seventy-five, to collect and settle with the financial agent or county treasurer all the arrears of taxes that have been levied and are now due upon said subscription by the citizens of said county.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 19th day of December, A. D. 1873.

CHAPTER XXVII.

AN ACT TO DEFRAY CERTAIN CLERICAL EXPENSES IN THE
OFFICE OF THE SECRETARY OF STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Secretary of State be allowed to draw on the Treasurer for fifty (50) dollars per month for the term of twelve months, of any moneys not otherwise appropriated: *Provided*, That said money be used to employ clerical aid in said Secretary's office, which said aid shall, in the first instance, be applied to the copying and indexing of the mutilated records and indexing all the books in said office, and after this said work shall have been done, then the surplus to be appropriated to such other duties as the said Secretary shall direct.

Secretary of State
allowed \$50 per
month.

Proviso.

SEC. 2. This act shall take force and effect from and after its ratification.

When in force.

Ratified this 20th day of December, A. D. 1873.

CHAPTER XXVIII.

AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO PURCHASE
A FIRE-PROOF SAFE FOR THE USE OF THE STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That William H. Howerton, Secretary of State, be and he is hereby authorized and directed to purchase in the public market, or by private sale, a large fire-proof safe, suitable for the preservation of certain valuable archives, bonds, etc., now unprotected from fire in his department, and that the Public Treasurer, upon the Auditor's warrant, is hereby authorized and instructed to pay the costs and

Secretary of State
authorized to buy
Safe.

expense of said purchase, transportation, etc., as may be necessary, out of any moneys not otherwise appropriated remaining in the public treasury; said safe not to cost a sum of money exceeding nine hundred dollars.

When in force.

SEC. 2. That this act shall go into effect immediately upon its ratification.

Ratified this 20th day of December, A. D. 1873.

CHAPTER XXIX.

AN ACT FOR THE BENEFIT OF STANLY COUNTY AND OTHERS.

Compromise authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Public Treasurer of the State be and he is hereby directed to compromise the civil action now depending in the Superior Court for the county of Stanly, in the name of the State of North Carolina against the board of commissioners of Stanly county, upon the payment to the Treasurer or his attorney of record, on or before the first day of December, one thousand eight hundred and seventy-four, of the principal of the debts without any part of the interest already accrued, or which may hereafter accrue, and upon the further payment of the costs of said action within the time aforesaid: *Provided, however*, That the county of Stanly shall be allowed credit for the payments already made on said debts, and shall allow judgment to be entered up at the next term of the Superior Court of said county for the principal and interest of said debts which are the subject of the action as aforesaid, it being the true intent and meaning of this act that the Treasurer shall compromise upon the payment of the principal of the debts without casting any interest, and shall allow the said county credit for payments already made as principal, and that said county shall pay all costs, and shall allow judgment to be entered at the next

Proviso.

court for the principal and interest of said debts as a security for the performance of the object of this act.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 20th day of December, A. D. 1873.

CHAPTER XXX.

AN ACT IN RELATION TO FOREIGN INSURANCE COMPANIES.

SECTION 1. *The General Assembly of North Carolina do enact,* That whenever the existing or future laws of any other State of the United States shall require of insurance companies incorporated by this State and having agencies in such other State, or of the agents thereof, any deposits of securities in such State, for the protection of policy holders or otherwise, or any payment for taxes, penalties, certificates of authority, license fees or otherwise, greater than the amounts required for such purposes from similar companies of other States, by the then existing laws of this State, then and in every such case all companies of such States, establishing or having heretofore established an agency or agencies in this State, shall be and are hereby required to make the same deposit for a like purpose with the Treasurer of this State, and to pay to said Treasurer for taxes, fines, penalties, certificates of authority, license fees and otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such State upon companies of this State and agents thereof. Regulating deposits, fees, taxes, fines, &c.

SEC. 2. That all persons violating the provisions of this act shall be liable to indictment, and on conviction shall be fined not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the court. Penalties.

When in force.

SEC. 3. That this act shall take effect from its ratification.

Ratified this 20th day of December, A. D. 1873.

CHAPTER XXXI.

AN ACT DECLARING IT A MISDEMEANOR FOR ANY PERSON WHO HAS EXECUTED A CHATTEL MORTGAGE, DEED IN TRUST OR LIEN TO DISPOSE OF THE PROPERTY WITH INTENT TO DEFEAT THE MORTGAGE.

Misdemeanor in case of chattel mortgage, deeds, &c.

SECTION 1. *The General Assembly of North Carolina do enact,* That if any person or persons who have heretofore executed a chattel mortgage or deed in trust or given a lien, or may hereafter execute a chattel mortgage, deed in trust or lien for a lawful purpose, shall, after the execution of the same and while it is in force, make any disposition of any personal property embraced in said chattel mortgage, deed in trust or lien, with intent to hinder, delay or defeat the rights of the person or persons to whom the said chattel mortgage, deed in trust or lien was made, such person or persons so offending shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding one month.

Crops considered personal property.

SEC. 2. That growing crops shall be considered personal property within the meaning of this act.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 20th day of December, A. D. 1873.

*Amended 1874-75 Chap 2
Brings in the purchaser -*

CHATER XXXII.

AN ACT TO ENABLE THE SURETIES OF ISAAC LONG, DECEASED,
LATE SHERIFF OF YADKIN, TO COLLECT TAXES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties on the several official bonds of Isaac Long, deceased, late sheriff of Yadkin county, be and they are hereby authorized and empowered to collect all arrearages of State and county taxes due the said Isaac Long, late sheriff as aforesaid, or for which the said Isaac Long or any of his said sureties are or may be liable for the year or years during which they were sureties of said Isaac Long: *Provided*, That nothing herein contained shall release the said sureties from accounting for said taxes and settling the same as their principal would have been required to do by law, if he had lived: *And provided further*, That said arrearages shall be collected in accordance with the provisions of the existing law for the collection of taxes, or such law as may be hereafter enacted for that purpose: *And provided also*, That nothing herein contained shall be held to empower said sureties to collect taxes from persons who will make oath that they have paid the same.

Sureties authorized to collect taxes.

Provided.

Provided further.

Provided also.

SEC. 2. That this act shall be in force from and after its ratification.

When in force.

Ratified this 20th day of December, A. D. 1873.

CHAPTER XXXIII.

AN ACT TO AMEND THE CHARTER OF THE NORTH CAROLINA RAILROAD COMPANY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

May purchase Railroad between Salisbury and Tennessee.

SECTION 1. *The General Assembly of North Carolina do enact*, That the North Carolina Railroad Company, a corporation chartered by the General Assembly, session one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, is hereby authorized to construct and make, or to purchase, hold and complete the construction of a railway from Salisbury to or near the line of division between this State and Tennessee, at or near Paint Rock, and to the Georgia or Tennessee line in the county of Cherokee.

May purchase Western North Carolina Railroad.

SEC. 2. That the said North Carolina Railroad Company may purchase the Western North Carolina Railroad or any one or all the divisions of the same, whether at judicial sale or at any other sale that may be made thereof, and thenceforth may have, hold, possess and be entitled to the said railroad and all its contracts, franchises, rights, privileges and immunities, and all the property and estate of every description, real and personal, belonging to the Western North Carolina Railroad Company; and by such purchase the said company shall acquire all the rights, privileges and immunities conferred on the Western North Carolina Railroad Company by its charter and all amendments made thereto.

Necessary powers to complete road.

SEC. 3. That said corporation, in case it shall become the purchaser of the Western North Carolina Railroad, is authorized to complete the construction of said railroad and all its divisions, and shall have the necessary powers for doing so; and for the purpose of raising money to accomplish the purposes of this act, the North Carolina Railroad Company may at its option make, execute and issue its

May issue bonds.

bonds, payable with interest thereon either in United States currency or in gold, and in this country or any foreign country or State, and at any rate of interest it elects, not exceeding eight per cent. per annum, and for any amount not exceeding thirteen thousand dollars per mile of roads and branches made or to be made, which bonds shall be signed by the president, countersigned by three directors, and attested by the secretary of the company, and sealed with the corporate seal, and be wholly or partly in sums of five hundred dollars, or one thousand dollars, or each, with the usual half yearly interest coupons annexed; the principal and interest of said bonds to be made due and payable at such times and places and such manner, and to be sold at such times, places and prices as the directors may select, to be payable in not less than ten nor more than twenty years, the sale to be made by W. A. Graham, M. E. Manly and R. F. Armfield, who are hereby appointed commissioners to sell and dispose of such bonds as may be issued in pursuance of the provisions of this act; and said company are hereby prohibited from ever resisting the payment thereof on the plea of usury. The proceeds arising from the sale of said bonds, and also from the sale of certificates of stock herein authorized to be issued, may be applied to the constructing, purchasing and repairing of the railroads and branches to extend over the routes herein mentioned for equipping the same, for discharging any indebtedness of said company and for purchasing any securities or liabilities which may embarrass the operations of said company: *Provided*, That the bonds so issued by said company shall in no case be sold for a less sum than seventy-five cents on the dollar.

Rate of interest.

Amount and payment of bonds.

Commissioners and their powers.

Proceeds of sale how applied.

Proviso.

Bond received by mortgage deeds.

SEC. 4. That to secure the payment of these bonds and other evidences of debt as aforesaid, and the interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be selected or agreed on, one of whom shall be the governor of this State, the same to be

signed by the president, countersigned by three directors, and attested by the secretary of said corporation, conveying its railway, branches, franchises and property, including its road bed, superstructure, equipment, choses in action, evidences of debt, and all its real and personal estate of whatever kind; and the said deed or deeds and all other agreements the said company may enter into, which by law require registration, when duly executed, may be recorded in the Register's office, in the county of Wake, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever, and shall give it priority and preference over all claims against said corporation; and it shall not be necessary to record or register the same in any other county, any law to the contrary notwithstanding: *Provided*, That the said mortgage shall not contain any provisions for the maturity of the principal of said bonds because of failure to pay any instalment of interest.

Registration.

Proviso.

Governor to notify President.

President to call a meeting of stockholders.

When work to commence between Old Fort and Paint Rock.

Bonds not to exceed three million.

SEC. 5. That immediately after the passage and ratification of this act it shall be the duty of the governor to notify the president of the said North Carolina Railroad Company of the same, and it shall be the duty of the president to call a meeting of the stockholders of the said company, and submit this act and amendment of their charter for their acceptance or rejection, and if a majority of the stock so represented shall vote to accept the same, it shall become a part of their charter.

SEC. 6. That immediately after the sale of the first bonds, the said North Carolina Railroad Company shall commence work on the railroad between Old Fort and Paint Rock, and continue the work without intermission until the road is completed between said points last named, and from a point near Asheville to the Tennessee or Georgia line, in Cherokee county. The issue of bonds herein authorized shall not exceed three millions and five hundred thousand dollars, until the railroad shall have been completed from Old Fort to Paint Rock.

SEC. 7. That any director or officer of the said North Carolina Railroad, Company or other person entrusted with any of the bonds, certificates of indebtedness or other funds of the company who shall be guilty of any wrongful appropriation, misapplication, malfeasance or other corrupt use of the same, with intent to benefit himself and defraud the company, shall be guilty of a felony, and upon conviction thereof before any Superior Court of the State shall be punished by a fine not less than ten thousand dollars, and by imprisonment in the penitentiary not less than ten years, and shall further be guilty of embezzlement.

Misapplication of bonds, &c., a felony.

SEC. 8. That no public sale of said North Carolina Railroad Company or any part thereof, or any of its franchises or rights, shall be made under the mortgage provided for in section four of this act until such sale shall have been advertised for six successive weeks in two newspapers in the city of Raleigh of the greatest circulation.

Advertisement in case of sale.

SEC. 9. That the directors of the said company shall be authorized to purchase from the stockholders of the same any of the stock owned by them, and they are empowered and directed out of the first moneys arising from the sale of bonds, or from any lease made or to be made, to purchase from the private stockholders or any of them who may desire to sell their stock or any part thereof, and to pay for the same at the rate of not exceeding fifty dollars per share, and the stock so purchased shall become the property of the said company: *Provided*, That if any stockholder or stockholders of the said North Carolina Railroad Company, being such at the time of making any such consolidation, agreement, contract or other arrangements for the purchase, merging or other acquisition of any of the railroads contemplated by this act, shall be dissatisfied with the same, the said company shall pay to such dissatisfied stockholder or stockholders the full value of his, her or their stock on the first day of December, one thousand eight hundred and seventy-three, immediately prior to such consolidation, agreement, contract, merging or other acquisition of the

Directors authorized to purchase stock.

Proviso.

Commissioners appointed by clerk of Superior Court.

said railroad company, to be assessed by three disinterested commissioners appointed for that purpose by the clerk of the Superior Court of the county in which such stockholder or stockholders may reside, on the application of either party made upon twenty days' notice; but the said company shall not be compelled to pay for stock of any such dissatisfied stockholder or stockholders unless he or they shall give written notice of such dissatisfaction to the president, secretary or treasurer of the company whose stock shall be held by him or them, within three months after such consolidation, agreement or other arrangement for the purchasing, merging or acquiring the railroads aforesaid, shall have been made and consented to by the requisite number of stockholders: *Provided further*, That the sale of any share or shares to the company under the provisions of this action by any executor, administrator, guardian, trustee or persons acting in a fiduciary capacity, shall be valid in law.

Provided further.

May purchase Atlantic and North Carolina Railroad.

SEC. 10. That the said company may in like manner purchase the Atlantic and North Carolina Railroad, and thenceforth may have, hold and possess the said railroad extending from Goldsboro' to Morehead, and all its contracts, franchises, rights, privileges and immunities, and all the property and estate of every description, real and personal, belonging to the said Atlantic and North Carolina Railroad Company, and by such purchase the said North Carolina Railroad Company shall acquire and succeed to and exercise all the rights, privileges and immunities conferred on the said Atlantic and North Carolina Railroad Company by its charter and amendments made thereto. The governor of the State, in order to further and aid such sale and transfer, or in order to unite and co-operate the said two lines of railroad under one management, is authorized and empowered to transfer to the said North Carolina Railroad Company all the stock owned by the State in the said Atlantic and North Carolina Railroad Company, and until such transfer of the stock of said Company is approved by the individual stockholders of said road, the governor shall retain the right to appoint directors

Governor empowered to make transfer.

in the said Atlantic and North Carolina Railroad Company: *Provided*, That if the stock of private holders in this road is purchased the price given therefor shall not exceed the market value of said stock at the time when the purchase shall be made: *Provided further*, That the said Atlantic and North Carolina Railroad shall not constitute assets for the payment of the bonds heretofore issued by the State to build the North Carolina Railroad.

Provided.

Provided further.

SEC. 11. That the line of railway as purchased and acquired shall become absorbed and merged into the said company, and its whole line shall be known by the name of the North Carolina Railroad Company; that portion of its line from Salisbury through or near Asheville, in the direction of Georgia, shall be known as the Western Division of the North Carolina Railroad; that portion from or near Asheville, in the direction of Morristown, shall be known as the Asheville and Warm Springs Division of the North Carolina Railroad; and that part east of Goldsboro' as the Eastern Division of the North Carolina Railroad.

Name of road.

SEC. 12. That the said company is authorized to build branch roads, to purchase or lease any other railroad upon such terms as the directors may agree upon, and may operate and maintain the same: *Provided*, That no branch road shall be commenced, or any other railroad purchased, until the roads have been completed to or near Paint Rock, and to the Georgia and Tennessee line.

Branch roads.

Provided.

SEC. 13. That the said company, as soon as it shall secure the control of the North Carolina Railroad, shall operate the entire consolidated line as one road, and the said company shall never have the power to divide into or operate the road in separate divisions.

Entire line operated as one road.

SEC. 14. That the said company in addition to the powers granted it by its act of incorporation and amendments thereto, and such as are herein conferred, shall have all the powers, rights, privileges and immunities of the most favored railway corporation heretofore granted by the General Assembly of this State: *Provided*, That the said corporation

To have powers of the most favored railroad.

Proviso.

shall not have banking privileges or be exempt from taxation, and shall not demand or receive more than twenty-five per cent. additional for carrying local freights above the charges for transporting through freights.

Power to change location of lines, &c.

SEC. 15. That the directors of the said company shall have the power to change the location of any of the lines their said company may purchase, and to change the gauge of the road of the said company in order to make the gauge to conform with connecting roads: *Provided*, That the said gauge shall be made uniform through their whole line: *Provided, further*, That in the construction of any branch road on the said line, from or near Asheville, in the direction of the Georgia line, any gauge may be used in the discretion of the directors of the said company: *Provided, further*, That no change of gauge of the North Carolina Railroad Company shall be made except on that portion of the road from Paint Rock to Asheville, until their line from Salisbury to Paint Rock, on the Tennessee line, shall be finished: *Provided, further*, That the line of railroad in Catawba county running from its main line to Newton shall not be changed until the main trunk line shall have been constructed to run within one mile and a quarter from the court-house in said town of Newton.

Proviso.

Provided further.

Provided further.

Provided further.

Power and requirements in business traffic.

SEC. 16. That the North Carolina Railroad Company shall have the power and authority, and they are hereby required, to contract for prorating or for an interchange of business traffic with any railroad company doing or desiring a connection business, whether chartered by the laws of this State or any other State, upon such equitable terms as the directors may agree upon.

Repeal.

SEC. 17. That all laws or clauses of laws coming in conflict with any of the provisions of this act be and the same are hereby repealed.

When in force.

SEC. 18. That this act shall take effect and be in force from and after its ratification.

Ratified this 20th day of December, A. D. 1873.

CHAPTER XXXIV.

AN ACT TO ADD CERTAIN SECTIONS TO BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, The seventeenth chapter of Battle's Revisal shall be amended by adding the following sections immediately after the four hundred and seventeenth section: The judges of the Supreme Court may annually appoint an officer to be styled marshal of the Supreme Court, removable at will, who shall attend upon the court during its sessions; said marshal shall be entitled to receive two dollars per day for every day of actual attendance upon the court, to be paid by the Treasurer upon the certificate of the Clerk of the court, which certificate shall state the number of the days of attendance according to the direction of the court.

Amendment to section 417, chapter 17.

Per diem of marshal.

SEC. 2. The seventy-eighth chapter of the said Revisal shall be amended by adding the following clause after the forty-first section, and sub-section five of the latter: One copy for the reporter; one for each of the judges of the State; one for each of the judges of the district courts for the Eastern and Western Districts of North Carolina; two to be deposited in the executive department; six copies in the public library; one copy in the office of the clerk of the Superior Court in each county in the State; one in the office of the clerk of the Circuit Courts of the United States for the Eastern and Western District of North Carolina; two copies in the Supreme Court Library; three copies in the library of the University; one copy for the library of the Supreme Court of the United States at Washington; as many in the executive office as will supply with one copy each State and territory of the United States, to be transmitted to the executive department thereof.

Amendment sub 5, sec. 41, chap. 78.

SEC. 3. The ninetieth chapter of the said Revisal shall be amended by adding thereto the following sections: All issues of fact joined before the judge of probate shall be

90th chap. relating to issues amended.

transferred to the Superior Court of the county for trial, and appears shall lie to the judge of the Superior Court of the district, either in term time or vacation, from judgments of the probate court in all matters of law. In case of transfer or appeal, as provided in the preceding section, neither party is required to give a bond for costs, and the judge of probate shall transmit on such transfer or appeal to the Superior Court or the judge thereof, the pleading or other papers on which the issue of fact or of law arises. An appeal must be taken within twenty days after the entry of the order or judgment of the probate court, but an appeal can only be taken by a party aggrieved, who appeared and moved for or opposed the order or judgment appealed from, or who being entitled to be heard thereon, had no notice or opportunity of being heard, which fact may be shown by affidavit or other proof.

Appeals.

Chap. 105, secs. 10
and 14 amended.

SEC. 4. The one hundred and fifth chapter of the said Re-
vival shall be amended by adding after the word allowance,
in the second line from the top of tenth section, the words
of one hundred dollars, and after the word court in the next
line, by adding the words at each term thereof, and the four-
teenth section of the same chapter be amended by striking
out in the fifth line from the bottom of the page the words
as aforesaid, and inserting in lieu thereof the words, by the
defendant.

Chap. 17, sec. 8, of
1866-'67, re-enacted.

SEC. 5. That section eight, chapter seventeen, of laws of
one thousand eight hundred and sixty-six and one thousand
eight hundred and sixty-seven, be and the same is hereby
re-enacted.

When in force

SEC. 6. This act shall be in force from and after first day
of January, one thousand eight hundred and seventy-four.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXV.

AN ACT TO ESTABLISH A TURNPIKE ROAD FROM THE TOWN OF STATESVILLE, IREDELL COUNTY, TO THE VIRGINIA LINE.

SECTION 1. *The General Assembly of North Carolina do* Commissioners.
enact, That for the purpose of laying out and establishing a turnpike road from the town of Statesville, in the county of Iredell, by way of the Eupeptic Springs, to Jonesville, in the county of Yadkin, to Mount Airy, in the county of Surry, and then to the Virginia line, the following named gentlemen are constituted, appointed, and authorized to act as commissioners for the construction of said road: for Iredell county, Dr. John F. Ford, Dr. John F. Long and Robert F. Campbell; for Yadkin county, John Madison, Alford Warron and James Armstrong, Esqrs.; for Surry county, W. P. Ford, R. F. McGuffey and W. A. Moore, Esqrs. It shall be the duty of the above named commissioners, thirty days after the ratification of this act, to meet in the county in which they reside, and organize by electing one of their number chairman of the board, which board, after being so organized, shall have full power to supervise and construct said turnpike road through their respective counties. To meet in 30 days and organize.

SEC. 2. That it shall be the duty of said road commissioners for each county through which said road passes to employ a competent and skilled surveyor, and under the supervision of said road commissioners to survey and locate the road, who shall first take an oath before a magistrate in the county in which they are employed, faithfully to discharge their duty so as to promote the best interest of the road with as little damage to the persons through whose land it passes as possible. That said road shall be twenty Surveyors and location of road.
feet wide, clear of stumps and runners, and in no part of the road shall the grade rise more than one foot in sixteen. Width and grade.

Remedy for complaints.

SEC. 3. That if the owner of any land through which said road shall pass shall consider himself or themselves injured thereby, it shall be competent for such person or persons by petition to the county commissioners of the county in which the damage is done praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the commissioners to order such jury to be summoned as in cases of such public roads, and it shall be the duty of the jury to take into consideration the advantages to the land, as well as the injury done by the making of said road, and on report of the jury made to and confirmed by the commissioners the damage shall be paid out of any funds hereinafter provided for.

Funds raised by subscription.

SEC. 4. That for the purpose of raising necessary funds for the completion of said road it shall be the duty of the road commissioners provided for in the first section of this act to appoint suitable persons at as many places in each county as they may deem necessary to open books of subscription to solicit and receive whatever amount any and all persons who may favor the construction of said road may desire to subscribe and pay for said purpose; and as soon as one hundred dollars shall be subscribed and paid in to the road commissioners in each county, it shall be the duty of said commissioners to employ a surveyor as provided for in this act, and proceed to the construction and completion of said road as provided for in this act, and it shall be the further duty of the road commissioners to pay the expense of the survey, the cost of tools, the wages of the overseers, and all other incidental expenses, at the end of every month out of any money as it may fall due, placed in their hands for that purpose.

Wages, &c.

Public road.

SEC. 5. That said turnpike road when completed shall be deemed and taken to be a public road, and shall be kept up as other public roads are kept up.

When in force.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXVI.

AN ACT TO AMEND CHAPTER NINETEEN OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of the above chapter be amended so as to authorize and require J. L. Patton, his associates, successors and assigns, to extend said Swannanoa Gap Turnpike Road from its present termini to Old Fort, in McDowell county, and to Swannanoa bridge, near Asheville, in Buncombe county. The gate on said road shall not be located nearer Asheville, in Buncombe county, than it is at present.

Amendment to section 1, chapter 19, laws 1871-'72.

SEC. 2. That so much of section two of said chapter as fixes the tolls to be charged on said road be and the same is hereby repealed, and the commissioners of Buncombe county are hereby authorized and empowered to fix the rate of tolls on said turnpike road.

Amendment to section 2, said chapter.

SEC. 3. That the exemptions from paying toll contained in the act of which this act is amendatory, or in any other act, shall not have the effect to exempt any person from paying full tolls who engages in hauling goods or other things from Old Fort to Asheville, or any immediate point west of the present location of the gate on said road, or who shall engage in hauling goods or other things from Asheville or any other point west of said gate to Old Fort, or any point east of said gate.

Exemptions.

SEC. 4. That the present charter of said Swannanoa Gap Turnpike Road be and the same is hereby extended until the first day of February, Anno Domini one thousand eight hundred and seventy-four.

Extension of charter to February, 1874.

SEC. 5. That if the said John E. Patton shall decline to accept the provisions of this act, it shall be competent for any citizen of Buncombe or McDowell county to do so:

When any citizen may accept this act.

- Proviso.** *Provided*, The said commissioners of Buncombe county shall consent to the same: *Provided*, That no citizen of McDowell county shall be required to work on said road: *Provided*, That no citizen of Buncombe shall be required to work on said road from Swannanoa bridge, near Asheville,
- Provided further.** to the Swannanoa Gap: *And provided further*, That the commissioners of Buncombe county shall have power and are hereby authorized to discontinue the toll gate on said road whenever they think necessary.
- When and how long in force.** SEC. 6. That the provisions of this act shall take effect from and after its ratification, and be and remain in force until the first day of January, one thousand eight hundred and seventy-eight.
- Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXVII.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN TWO MILES OF THE COURT-HOUSE IN BURNSVILLE, YANCEY COUNTY.

Sale prohibited within two miles.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for the county commissioners to issue license to any person or persons to sell intoxicating liquors within two miles of the court-house in Burnsville.

Penalty.

SEC. 2. That any person or persons who shall retail intoxicating liquors within two miles of said court-house, upon conviction shall be fined not to exceed one hundred dollars or imprisoned not to exceed thirty days for each and every offense.

When in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE GREENVILLE AND FRENCH BROAD COMPANY, RATIFIED THE THIRTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE, AND AN ACT AMENDATORY THERETO.

SECTION 1. *The General Assembly of North Carolina do enact*, That the first section of an act to amend an act to incorporate the Greenville and French Broad Railroad Company, ratified the fifteenth day of January, one thousand eight hundred and seventy-two, be amended so as to constitute J. J. Osborne, J. A. Corpening, D. C. Waddill, W. D. Whitted, Albert Conner, H. G. Evart, Rufus Edney, of Henderson county; James E. Reed, T. C. H. Dukes, J. E. Rankin, J. E. Ray, D. Coleman and E. R. Hampton, of Buncombe county; J. H. Rumbaugh, Jesse Wallen, J. S. McElroy, G. M. McDowell and C. A. Nichols, Madison county, additional corporators to those already named in the act which this intended to amend.

Additional corporators.

SEC. 2. That an act to incorporate the Greenville and French Broad Railroad Company, ratified the thirteenth day of February, one thousand eight hundred and fifty-five, be so amended as to allow said company to complete its organization whenever the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscription.

When allowed to complete organization.

SEC. 3. The property or franchise of said company shall not be exempt from taxation, and the said company not make a greater discrimination than twenty-five per cent. between the rates for carrying local and through freights.

Taxation and freight.

SEC. 4. This act shall be in force from and after its ratification.

When in force.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXIX.

AN ACT TO CURE DEFECTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That all acts passed by the General Assembly from November seventeenth, one thousand eight hundred and seventy-three, to December twenty-second, one thousand eight hundred and seventy-three, inclusive, be and the same are hereby declared to be in force according to their ratifying clauses, anything in chapter seventy-four public laws one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, to the contrary notwithstanding.

SEC. 2. This act shall take effect from its ratification.

Ratified this 22d day of December, 1873.

Certain acts declared in force.

When in force.

CHAPTER XL.

AN ACT TO AMEND THE CHARTER OF THE RABURN GAP SHORT LINE RAILWAY COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and sixteen, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended as follows:

SEC. 1. In section three, line ten, strike out "executive committee" and insert "board of directors."

SEC. 2. In section nine, line four, strike out "in the proportion of" and insert "any sum not exceeding."

SEC. 3. In section thirteen, line two, after the word "from" insert "or near."

Amendment to chap. 116, laws of 1872-'73.

Amendment to section 3.

Amendment to section 9.

Amendment to section 13.

SEC. 4. In section thirteen, line fifteen, insert "river" before "railroad."

SEC. 5. Strike out section fourteen; strike out the second "r" wherever it occurs in the word "Raburn." Section 14 stricken out.

SEC. 6. Add to section twenty-four the following words: Amendment to section 24.
And all the rights, franchise or franchises, immunity and immunities, privilege and privileges, power and powers heretofore granted by said chapter one hundred and twenty-four, laws of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, ratified January twenty-fourth, one thousand eight hundred and fifty-one, and every part thereof, are hereby for disuse declared forfeited.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XLI.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS AND TO PROVIDE FOR THE REDEMPTION OF THE SAME.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purposes hereinafter mentioned, A. L. Shuford, M. L. Cline, W. H. Ellis, A. A. Shuford, Andrew Marshall, J. H. Bruns and J. R. Ellis, be, and they are hereby constituted a board of commissioners to provide ways and means for raising funds for the purpose of aiding the Carolina Central Railway Company, or any other company, in extending their road from Lincolnton, or any other point on the Carolina Central Railway, to the Western North Carolina Railroad depot at Hickory, on such terms and conditions as may be agreed upon by this board of commissioners and the Carolina Central Railway Company, or any other company. Board of commissioners.

Organization.

SEC. 2. The commissioners, or a majority of them, herein appointed, may at any time within one year from the ratification of this act, meet and organize, by electing a chairman and a secretary and treasurer, from their number, who shall keep a correct minute of the proceedings, from the date of their first organization, in a good book, procured for them by the board of town commissioners, at the expense of the town.

Secretary and Treasurer.

SEC. 3. The secretary and treasurer shall not be deprived of his right to vote, as one of the board of commissioners, by reason of his acting as secretary and treasurer.

Elections.

SEC. 4. The board of commissioners may at any time within twelve months after their first organization, and once every year thereafter, for five consecutive years, by request, require the town commissioners of Hickory to order an election, after giving twenty days' notice, within the corporate limits of said town, for the purpose of ascertaining whether a majority of the qualified voters therein will vote for creating a debt for said purposes.

Style of voting.

SEC. 5. The question of "issue" or "no issue" shall be submitted by the town commissioners as follows, to-wit: Those voting for taxation or the issue of a bonded debt, shall vote upon a written or printed ticket "Railroad," and those voting against the tax or issue of bonds shall vote "No Railroad." All persons residing in the town thirty days previous to the election and are qualified voters in other respects, shall be entitled to vote in this election.

Duty of commissioners.

SEC. 6. After said election, or any one of them, if it be ascertained that a majority of votes cast have been in favor of "Railroad," then it shall be the duty of said commissioners, within sixty days after said election, to take and subscribe an oath to faithfully and honestly discharge their duties as commissioners of said board, before the judge of probate of the county of Catawba, and the said judge of probate shall make a minute of the commission, their names, &c., and file the same together with a copy of said oath in his office. It shall also be the duty of the board of town commissioners to

keep a record of the vote or votes cast under this act, in their office, and also to furnish the secretary and treasurer of this commission and the judge of probate, each, with a copy of the votes cast, who shall keep a record of the same in their respective offices.

SEC. 7. The secretary and treasurer shall take and subscribe an oath for the faithful performance of his duties, as secretary and treasurer, before the judge of probate, which shall also be filed in his office and a copy shall be recorded in the book kept by the secretary and treasurer of the board of commissioners.

Secretary to take oath.

SEC. 8. The commissioners shall have power to fill all vacancies that may occur in their body, by refusing to serve, by death, by resignation or otherwise, and five commissioners shall constitute a quorum, one of whom shall be the chairman, for the transaction of business: *Provided*, That in case the chairman wilfully refuses to attend the meetings and discharge his duty as such, the board may elect a chairman in his stead. The board may make all necessary by-laws for their better government.

Vacancies.

Provided.

By-laws.

SEC. 9. That after the board of commissioners are fully organized by qualifying, &c., and after the election ratifying the "Railroad" as herein provided, then the board of commissioners herein appointed, or their successors, shall be authorized to issue coupon bonds, not to exceed in amount the sum of twenty-five thousand dollars, in denominations of twenty-five (25), fifty (50), and one hundred (100) dollars, which said bonds shall not bear interest at a greater rate than eight (8) per cent.

Bonds.

SEC. 10. That it shall not be lawful for said board of commissioners to negotiate the said bonds for any other purpose than that of aiding the construction of some one of said railroads.

Bonds used for other purposes unlawful.

SEC. 11. That said bonds shall be made payable after the expiration of twenty-five years from the date thereof: *Provided, nevertheless*, That the said bonds may be divided in five classes. Each class may comprise five thousand dollars

When bonds payable. Proviso.

of said bonds, and that the said board of commissioners shall have power to redeem the said classes as follows, viz.: The first class after the expiration of five years from the date thereof; the second class after the expiration of ten years from the date thereof; the third class after the expiration of fifteen years after the date thereof; the fourth class at the expiration of twenty years from the date thereof; and the fifth class at the expiration of twenty-five years from the date thereof, and that the said several bonds shall distinctly set forth on their respective faces the manner in which they are payable: *Provided*, That all individual subscriptions of stocks to the Carolina Central Railway, either in said corporate limits, or in the county of Catawba, may be made through and managed by said board of commissioners.

Principal in interest.

SEC. 12. That for the purposes of paying the interest and principal of said bonds, said board of commissioners shall notify the town board of commissioners of the amount of money required annually for that purpose, and it shall be the duty of the town board to levy, collect and pay over to the secretary and treasurer of this board of commissioners said amount to be used in discharging said indebtedness as provided for under this act: *Provided*, That the commissioners herein appointed or their successors may borrow from the town board of commissioners any surplus funds in their hands belonging to the town, or may negotiate through their chairman their bonds with the town commissioners on such terms as may be agreed upon between the respective boards of commissioners: *Provided, further*, That the chairman of the board shall negotiate the sale of bonds, and for such purposes shall sign his name, "president board of commissioners."

Provided.

Provided farther.

When county commissioners to collect.

SEC. 13. In case the town of Hickory should at any time be without a legal board of commissioners then and in that case the county commissioners or county authorities may be notified by this board of commissioners, or any creditor or bondholder, of the amount required for said purposes, and it

shall be the duty of said county authority to order the amount to be levied and collected under the supervision of the sheriff of Catawba county off of all polls, property, &c., &c., in said corporate limits as are taxable by law: *Provided further,* That the bonds shall also be countersigned by the secretary and treasurer.

SEC. 14. The stock subscribed to any railroad under the provisions of this act shall be the sole property of the town, and all its profits shall accrue to the use of the town only.

SEC. 15. The route and right of way of said railroad between Lincolnton and any other point on the Carolina Central Railway to the Western North Carolina Railroad depot at Hickory, shall be provided for in the same way as now provided for in other railroad charters.

SEC. 16. The board of commissioners herein appointed shall continue in existence until said debt, if contracted, is discharged, unless otherwise relieved by an act of the General Assembly.

SEC. 17. The board of town commissioners may allow the commissioners herein appointed such compensation for their services as they may deem just and right: *Provided,* That the actual expenses of the commissioners, in procuring bonds and other necessary expenses, shall be paid out of the proceeds of the sale of bonds, or by the town treasurer out of any funds that may be in his hands: *Provided, further,* That the board through their secretary shall make annual reports of all its transactions, receipts and disbursements to the town board of commissioners who shall keep a record of the same.

SEC. 18. This act shall go into full force and effect as soon as it is voted upon: *Provided,* The majority vote for creating said debt by the issue of coupon bonds as herein provided.

Ratified this 22d day of December, A. D. 1873.

Provided further.

Stock property of the town.

Route and right of way.

Term of commissioners.

Compensation.

Provided.

Provided further.

When in force.

Proviso.

CHAPTER XLII.

AN ACT TO REGULATE THE SALE OF SPIRITUOUS LIQUORS WITHIN
 THE CORPORATE LIMITS OF THE TOWNS OF SALISBURY AND
 MOCKSVILLE.

Unlawful to sell less
 than one quart.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell spirituous liquors in quantities less than a quart within the corporate limits of the town of Salisbury, in the county of Rowan, and within the corporate limits of the town of Mocksville, in the county of Davie, and any persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, in the discretion of the court.

When void.

SEC. 2. That this act shall have no force or effect until the question of prohibition or no prohibition shall have been submitted to the qualified voters residing within the corporate limits of said towns.

Mayor to advertise
 election.

SEC. 3. That it shall be the duty of the mayor and board of commissioners of the said towns of Salisbury and Mocksville to give notice by public advertisement in their respective towns, that an election will be held for the purpose of taking the sense of the qualified voters, which election shall be held on the first day of January, one thousand eight hundred and seventy-four, or as soon thereafter as the said mayor and board of commissioners can give a notice of at least ten days.

Manner of voting.

SEC. 4. That at said election those who desire to vote in favor of prohibition shall vote upon a written or printed ticket, "Prohibition," and those against prohibition shall vote upon a written or printed ticket, "No prohibition."

Votes to be com-
 pared.

SEC. 5. That the mayor and board of commissioners of their respective towns shall compare the votes, and if a majority of said votes shall be in favor of prohibition, then

this act shall be immediately in force, otherwise to be void and of no effect.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XLIII.

AN ACT TO TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN THREE MILES OF WHAT IS KNOWN AS THE ORE KNOB COPPER MINE OF ASHE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell, give away, or dispose of any kind of intoxicating liquors, with a view of remuneration, within three miles of what is known as the Ore Knob Copper Mine of Ashe county. Sale within three miles forbid.

SEC. 2. That any person or persons violating the provisions of this act shall on conviction thereof be fined fifty dollars, or imprisoned six months, or both, at the discretion of the court, and one half of the fine shall be paid to the informer. Penalty for violation.

SEC. 3. This act shall be in force from and after its ratification. When in force.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XLIV.

AN ACT CONCERNING BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of chapter one hundred and twenty- Amendment to section 1, chapter 121.

one, Battle's Revisal, be amended by striking out in the fourth line of said section the word "January," and inserting the word "February."

Amendatory acts
when to take effect.

SEC. 2. That all acts heretofore passed amendatory of Battle's Revisal, shall take effect on the first day of February, Anno Domini one thousand eight hundred and seventy-four.

When in force.

SEC. 2. This act shall take effect upon its ratification.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XLV.

AN ACT TO INCORPORATE THE SEABOARD AND RALEIGH RAILROAD COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Henry J. Rogers, S. P. Bayne, of the city of New York; Joseph S. Staten, of the county of Pitt, and H. D. Roberson and John R. Lanier, of the county of Martin, and such other persons as may hereafter be associated with them, their successors or assigns, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name of the Seaboard and Raleigh Railway Company, and by that name they and their successors and assigns shall and may have continual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defended and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the object of this corporation.

Name of road.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one million of dollars (\$1,000,000), with liberty to said company to increase the same to two million, five hundred thousand dollars (\$2,500,000), and shall be divided into shares of fifty dollars (\$50) each, which shall be deemed personal property, and shall be transferred in such manner as the by-laws of the said corporation shall direct.

Capital stock.

SEC. 3. *And it is further enacted,* That the persons named in the first section of this act, shall constitute a board of commissioners (a majority of whom shall constitute a quorum for the transaction of business), to be known as the Seaboard and Raleigh Railway Commissioners, who shall meet in the town of Tarboro', North Carolina, or the city of New York, within sixty days after the passage of this act, at a time to be designated in a notice to be signed by the person first named in the list of corporators and a majority of his associates named in this act, and to be published once a week for two weeks, in at least one daily newspaper in New York and Tarboro', and when so met they may cause books to be opened for the subscription of the capital stock of said company, and when two thousand (2,000) shares, amounting to one hundred thousand (\$100,000) dollars, shall have been subscribed and five per centum actually paid thereon, in money to the treasurer to be elected by said commissioners, who shall give bond for its safe keeping and payment to the treasurer of the company when organized. Then it shall be lawful for such subscribers or stockholders, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect not less than five, nor more than thirteen (13) directors, a majority of whom shall be necessary to the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualified; and who shall make such rules and regulations and by-laws for the government of the company, the conduct of its business, as they may deem expedient and proper, and the directors chosen at such meet-

Where to meet.

Books of subscription.

Organization.

Directors and term of office.

ings or at the annual elections, corporation shall, as soon as may be after every election, proceed to elect a president and vice-president, who shall be chosen from their own number, and in case of the death or resignation or removal of the president, vice-president or any director, such vacancy may be filled for the remainder of the year wherein it may happen by the said board of directors, or a majority of them, and in case of the absence of the president and vice-president the said board of directors, or a majority of them, may appoint a president *pro tem*, who shall have such power as the by-laws shall provide, and also to elect such other officers as they may deem necessary to properly carry out the provisions of this act and perform business of this company, and fix the amount of salaries, and who shall hold office during the pleasure of the directors under such rules and regulations as the by-laws may prescribe. At all elections for directors each share of stock shall be entitled to one vote, which may be given by the holders in person or by proxy. The meeting of stockholders shall take place as provided for in said by-laws.

Officers.

Vacancies.

Qualification of voters.

Failure to elect.

SEC. 4. *And be it further enacted*, That in case it should happen that an election of directors should not be made during the day, when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but such election may be held at any other time by resolutions of the board of directors, or call a majority of stockholders, notice being given as provided in the by-laws; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Directors may call in stock.

SEC. 5. *And be it further enacted*, That a majority of the directors present (not less than three) at any regular or called meeting of said corporation shall have power to call in the capital stock of said company by such instalments (not to exceed ten (\$10) dollars on each share any one time) and at such time as they may direct: *Provided*, That such instalments shall not be called for at a shorter period than

Proviso.

thirty days from each other ; and in case of non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and shall be so forfeited if so declared by a vote of the board of directors, sixty days' previous notice having been given in writing to the holder of such stock, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulations of the stock, property and estate or effects of the said corporation. Subscriptions to the capital stock of said railway company may be made in land, labor and material, upon such terms as may be agreed upon by the directors and the owners thereof.

Subscriptions.

SEC. 6. *And be it further enacted,* That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, locate and construct, maintain and operate a railway from some point at or near the city of Raleigh, in the county of Wake, by the most feasible route to some point on the Roanoke river, in the county of Martin, with one or more tracks, and not exceeding one hundred (100) feet in width, and to construct at any point a branch road, not exceeding twenty (20) miles in length, and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route or routes of such railroad or lateral roads, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private property ; and where the route or routes of such roads or lateral roads shall have been determined upon, and a survey of such route or routes deposited in the office of the Secretary of State, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of,

Power of directors.

Deposit survey with Secretary of State.

hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails and do all other things which shall be suitable or necessary for the completion or repairs of the said road or roads, subject to such compensation as is hereinafter provided: *Provided, always,* That the payment or the tenders of the payment of all damages for the occupancy of all lands through which the said railroad or railroads may be laid out, be made before the said company, or any person under their employ shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such land or lands be first had and obtained.

Provided.

Right to conduct road along water courses.

Provided.

SEC. 7. *And be it further enacted,* That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided,* The said company shall not obstruct any public road without constructing another equally good and convenient.

Right of way—dis-agreement.

SEC. 8. *And be it further enacted,* That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the clerk of the Superior Court of the county where some part of the land or right of way is located. In making the said valuation the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the increased value of the land, or any special benefit which may arise from the location of a depot or otherwise on said lands, or any benefits which may accrue in any way whatsoever, by the establishment of said railroad or work, and shall state particularly the value and amount of each and excess of the loss and damage over

Clerk to appoint commissioners.

Valuation how made.

and above the advantage and benefit: *Provided, nevertheless*, That if any person or persons over whose land the road may pass, or if said company, shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the Superior Court in the county wherein the valuation has been made, or in either county in which the land may lie when it shall be in more than one county, and the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued, there to remain a matter of record, and the land or right of way so valued shall vest in the same company so long as the same shall be used for the purpose of the said railroad so soon as the valuation shall have been paid or where refusal may have been tendered: *Provided*, That if upon application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten (10) days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be found, then such application shall be published at least one month preceding in some newspaper printed as convenient as may be to the court-house of the county in which the application is made: *Provided, further*, That the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oaths any justice of the peace or clerk of the court is authorized to administer: *Provided, further*, That the right of condemnation herein granted shall not authorize the said company to remove the dwelling-house, yard, garden or burial-ground of any individual without his consent.

Provided.

Proceedings returned to court.

Proviso.

Provided further.

Provided further.

Distance con-
demned.

SEC. 9. *Be it further enacted*, That the right of said company to condemn land in the manner aforesaid shall extend to the condemning of one hundred (100) feet on each side of the main track of the road, measuring from the centre of the same; and the company shall also have the power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouse and building for servants, agents and persons employed on the road, and not exceeding two acres in any one lot or station.

Owners of land
condemned.

SEC. 10. *Be it further enacted*, That in the absence of any one contract or contracts with said company, in relation to the land through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred (100) feet on each side of the centre of said road, has been granted to said company, by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of the said road, and no longer, unless the person or persons owning said land at the time that part of the said road which may be on the said lands was finished, and in case the said owner or those claiming under him shall not apply within two (2) years next after the said part was finished, he, she or they shall be forever barred from recovering said lands, or having any assessment of compensation therefor: *Provided*, Nothing herein contained shall affect the rights of *femes covert*, or infants, until two years after the removal of the respective disabilities.

Who and when
barred.

Provided.

SEC. 11. *Be it further enacted*, That all lands not granted to any persons heretofore within one hundred (100) feet of the centre of said road shall vest in the company as soon as the line of the road is definitely laid out through it, and grant of said land thereafter shall be void.

Price of fare and
transportation.

SEC. 12. *And be it further enacted*, That the directors of said company shall have the right to demand and recover

such prices and sums for fare and transportation of freights, produce and merchandise as may be authorized and fixed by the said company, not inconsistent with the laws of this State: *Provided*, That no greater discrimination than twenty-five per cent. shall be made between local and through freights.

SEC. 13. *Be it further enacted*, That if any person shall wilfully impair, injure, distress, or obstruct the use of any railroad constructed under the provisions of this act by the said company, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty (\$50) dollars, to be by them recovered in any court having competent jurisdiction in an action of debt, and further, shall be liable for all damages. Penalty for damaging, &c.

SEC. 14. *Be it further enacted*, That if any person shall wilfully and maliciously distress, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause or aid, or assist, or counsel, or advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railroad, or bridges, or wharves, carriages, or machines, used for transportation on said road, or any water tank, warehouse, or other property of said company, such person or persons so offending shall be liable to indictment therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred (\$500) dollars nor less than twenty (\$20) dollars, at the discretion of the court before which the trial takes place. Fines and imprisonment.

SEC. 15. *And be it further enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, not exceeding five (5) acres at each place, and may erect and build thereon houses, warehouses, machine shops and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriage and other necessary uses, and take the rents, profits and emoluments May have and hold real estate.

thereof, and shall have the privilege to erect and build and maintain such bridges over all streams of water on the line of the said road as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Dividends.

SEC. 16. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, semi-annually be divided amongst the stockholders in proportion to the stock each may own.

Bonds.

SEC. 17. *And be it further enacted*, That said company are hereby authorized, if it be found necessary for the construction, improvement or keeping in repairs of said road, to issue coupon bonds of such denominations and value, and bearing such rate of interest, and payable at such times and places as the board of directors may determine, and such other evidences of indebtedness as the board of directors may determine, and said bonds and other evidences of indebtedness shall be a lien or mortgage on the road bed, iron, equipments, workshop, depots and franchises of the company, both corporate and of use.

Arrangements with other roads.

SEC. 18. *And be it further enacted*, That the said company shall have power and authority to making running arrangements with any railroad company or companies heretofore chartered, or that may hereafter be chartered, by this State, and shall have power and lawful authority to consolidate on such terms as may be agreed upon between the parties with any railroad company or companies heretofore or hereafter to be chartered by this State, and to accept donations or grants of lands, or other property, from States or individuals, for the purpose of aiding in carrying out the object of this company, and that the said company may own or charter, or sail steamships and other sea-going vessels, in connection with said railroad, to any part or parts of the United States, or foreign parts, and such line of steamships or other vessels shall be considered to be integral part of said railroad, and in connection with said railroad shall con-

stitute one continuous through line for the transportation of freight and passengers, and said company shall have the right to construct and operate lines of telegraph on the line of said railroad and its branches, and said company may purchase the Williamston and Tarboro Railroad, and may thenceforth have, hold, possess and be entitled to all the rights, franchises, privileges and immunities conferred on the Williamston and Tarboro Railroad Company by its charter and amendments thereto.

Telegraph.

SEC. 19. *Be it further enacted*, That the said company shall have the right to take at the store-houses they may establish on or annex to their railroad, all goods, wares, merchandise and produce, intended for transportation, to prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by sales, may establish, which these shall cause to be published or as may be fixed by agreement with the owners which may be distinct from the rates of transportation.

Storehouses,
Goods, &c.

SEC. 20. *And be it further enacted*, That all the officers of the company, and servants, and persons, in the actual employ of the company, be and they are hereby exempted from performing military duty, working on public roads and serving as jurors.

Exemptions from
militia &c.

SEC. 21. *And be it further enacted*, That the company shall have perpetual succession. That no stockholder's property shall be liable for any greater sum than the unpaid amount of the stock for which he has subscribed.

Liabilities of pro-
perty.

SEC. 22. *And be it further enacted*, That this act shall take effect from its approval.

When in force.

Ratified this 22nd day of December, A. D. 1873.

CHAPTER XLVI.

AN ACT TO REQUIRE THE OWNERS OF SEINES, AT OR NEAR THE CHOWAN RIVER, TO STAKE OUT THE MIDDLE OF THE CHANNEL, &C.

Seiners required to stake middle of channel.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of such persons, as are now engaged in hauling seines, or who may hereafter engage in hauling seines in the Chowan river between Black Walnut Point, at or near the mouth of said river, and a point up said river Chowan, called Cannons' Ferry, to proceed at once to stake out the middle of the channel of said river by putting down such poles or other marks as will clearly indicate the line of said middle of the channel of the said river: *Provided, however*, That persons so engaged in hauling seines shall only be required to stake out the middle of the channel of said river so far as their seines are hauled up and down the river.

Provided.

Violation a misdemeanor.

SEC. 2. That no person or persons described in section one of this act shall have a seine or seines beyond the middle of the channel of said river so indicated by the poles or other objects used as directed in section one, and if any person or persons shall enter said river with a seine or seines, beyond the middle of the channel so indicated with a seine or seines, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars for each offence.

Failing to stake middle a misdemeanor.

SEC. 3. That if the persons mentioned in section one of this act shall fail to stake out the middle of said channel ten days before they commence hauling their seine or seines they shall be guilty of a misdemeanor for each day's delay, and shall upon conviction before a justice of the peace be punished by a fine not to exceed twenty-five dollars or imprisoned not to exceed ten days.

SEC. 4. This act shall be in force from and after its ratification. When in force.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XLVII.

AN ACT TO MAKE VALID THE PROCEEDINGS HERETOFORE HAD IN THE COURTS OF THIS STATE IN CASES OF DIVORCE AND ALIMONY.

SECTION 1. *The General Assembly of North Carolina do enact,* That all judgments or decrees of the Superior Courts of this State granting divorce or alimony, shall be valid to all intents and purposes, notwithstanding any irregularity in the mode of commencing the action for the same. Judgments and decrees validated.

SEC. 2. That all actions heretofore commenced before the clerks of the Superior Courts now pending for divorce and alimony shall be transferred to the dockets of the regular terms of said courts, and shall be as valid as if the summons in said actions had been returnable to the regular terms thereof. Transfers.

Ratified this 15th day of January, A. D. 1874.

CHAPTER XLVIII.

AN ACT TO AMEND AN ACT TO CHANGE THE DIVIDING LINE BETWEEN THE COUNTIES OF GRANVILLE AND FRANKLIN.

WHEREAS, The act to change the dividing line between the counties of Granville and Franklin, ratified the third day of March, one thousand eight hundred and seventy- Preamble.

three, is defective in omitting to state correctly the beginning of said line, now to cure the said defect,

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of said act be so amended as to read as follows: The dividing line between the counties of Granville and Franklin, on the south side of Tar river, shall be changed as follows: begin on the south bank of Tar river at the point where the old dividing line between said counties crosses said river; thence up the said river about three miles to a black gum at the high rock, one hundred yards above the point where Fort creek empties into said river and near Kearney's old mill; thence south twenty-three degrees west seven miles one hundred and ten yards to a red oak on the road near A. S. Gill's store; thence south four miles to the Wake line; thence with the Wake line to the southwestern corner of Franklin county.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 15th day of January, A. D. 1874.

CHAPTER XLIX.

AN ACT CONCERNING INCORPORATED TOWNS AND VILLAGES.

Corporate rights.

SECTION 1. *The General Assembly of North Carolina do enact*, That no incorporated town or village in this State shall lose any of its corporate rights and privileges by failure to elect officers on any first Monday in May.

Officers and elections.

SEC. 2. That in case of failure to elect municipal officers on any said first Monday of May in any incorporated town or village in the State, the electors residing within such incorporation limits may after ten day's notice, signed by any three of said electors and posted at three places within any corporation limits, proceed to hold an election for

municipal officers in the way and manner provided for in Battle's Revisal, chapter one hundred and eleven.

SEC. 3. The duties imposed by said chapter last named on certain officers shall attach to and form a part of this act. Duties.

SEC. 4. This act shall be in force on and after January the first, one thousand eight hundred and seventy-four: *Provided*, This act shall not apply to the city of Wilmington, North Carolina. When in force.
Proviso.

Ratified this 16th day of January, A. D. 1874.

CHAPTER L.

AN ACT REGULATING THE TIME OF HOLDING THE TERMS OF THE
SUPERIOR COURT OF THE FOURTH JUDICIAL DISTRICT AND FOR
OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following counties shall compose the fourth Judicial District, and the terms of the several Superior Courts thereof shall begin in each year at the time herein stated, and continue to be held for two weeks, unless the business be sooner disposed of; Carteret county on the second Monday in February and August; Brunswick county on the second Monday after the second Monday in February and August; Columbus county on the fourth Monday after the second Monday in February and August; Robeson county on the sixth Monday after the second Monday in February and August; Bladen county on the eighth Monday after the second Monday in February and August. New Hanover county. There shall be four terms of the Superior Court of this county, and the time for holding said terms shall be on the fourth Monday in January and the tenth Monday after the second Monday in February, the fourth Monday in June and the tenth Monday after the second Monday in Courts, when held.
Carteret.
Brunswick.
Columbus.
Robeson.
Bladen.
New Hanover.

August. The term of the court which may be held on the fourth Monday in January in each year may be continued in session for a period of four weeks, unless the business be sooner disposed of. Onslow county: The courts thereof shall be held on the twelfth Monday after the second Monday in February and August; Duplin county on the fourteenth Monday after the second Monday in February and August; Sampson county on the sixteenth Monday after the second Monday in February and August.

Onslow.

Duplin.

Sampson.

Carteret and Onslow, added to 4th district.

SEC. 2. That the counties of Carteret and Onslow shall be changed from the third judicial district, and shall hereafter form two of the counties composing the fourth judicial district, and the courts of said counties shall be held at the times herein stated.

Sampson added to 4th district.

SEC. 3. The county of Sampson shall be changed from the fifth judicial district, and shall hereafter form one of the counties composing the fourth judicial district, and the terms of the court of said county shall be held at the times herein stated.

Summons returnable.

SEC. 4. That all writs of summons, executions, capias and and other process, recognizances and bonds for the appearance of parties returnable to the term of the courts of any of the said counties as now regulated, shall be by virtue of this act returnable to the terms as herein established.

Repeal.

SEC. 5. That all laws in conflict with this act are hereby repealed.

When in force.

SEC. 6. This act shall take effect from and after the first day of July, one thousand eight hundred and seventy-four.

Ratified this 16th day of January, A. D. 1874.

CHAPTER LI.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS FOR THE COUNTIES OF ROCKINGHAM AND CHATHAM IN THE SEVENTH JUDICIAL DISTRICT.

SECTION, 1. *The General Assembly of North Carolina do enact,* The terms of the several Superior Courts of the county of Rockingham shall begin in each year at the times herein stated to-wit: On the tenth Monday after the first Monday in March and September. Rockingham.

SEC. 2. The terms of the several Superior Courts of the county of Chatham shall begin in each year at the times herein stated, to-wit: On the second Monday after the first Monday in March and September. Chatham.

SEC. 3. That all summonses or other process, civil or criminal, heretofore issued, returnable to the regular terms of the Superior Courts for the counties of Rockingham and Chatham at the times when they were to be holden, heretofore, are hereby required to be returned by the officers now having them in hand, or who may hereafter receive them so as to conform to the changes made in the time of holding said courts by the provisions of this act, and such as have already been executed and returned and such as may be issued hereafter, and to conform to the provisions of this act. Summonses, &c., returnable.

SEC. 4. All recognizances, obligations of bail, or other securities heretofore taken returnable to the regular terms as they were holden previous to this act, shall be made returnable to the terms of said courts as established by this act with like effect and saving as if they had originally been made returnable to the terms as established by this act. Recognizances, &c., returnable.

SEC. 5. The Clerks of the Superior Court of the counties of Rockingham and Chatham on receiving a copy of this act from the Secretary of State who is hereby required to supply them with the same, within ten days after its ratification, shall post or cause to be posted, copies thereof in each township of their counties within ten days after receipt of the same. Duties of clerks.

SEC. 6. This act shall take effect from its ratification

Ratified this 19th day of January, A. D., 1874.

CHAPTER LII.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

Authorized to collect arrearages.

SECTION 1. *The General Assembly of North Carolina do enact*, That all persons who are or have been sheriffs or tax collectors or their legal representatives of the several counties of this State for the years one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three, and who have accounted and settled with the Public Treasurer of the State and the county treasurer of their respective counties according to law, be and the same are hereby authorized and empowered to collect all arrears of taxes due them in their respective counties for the years aforesaid under such rules and regulations as are now prescribed by law for the regular collection of taxes or which may hereafter be prescribed by law; and the power and authority hereby granted shall cease on the first day of January, one thousand eight hundred and seventy-five. Sheriffs and tax collectors as aforesaid who have settled as above provided, shall be allowed to collect arrears due defaulting sheriffs for the years above named.

Defaulting sheriffs.

Repeal.

Provided.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed: *Provided*, That no person in any county shall be compelled to pay tax under this act who will make oath according to law that he or she has paid the tax demanded or believes the same to have been paid: *Provided further*, That no executor or administrator shall be compelled to pay any such arrears of taxes.

Provided further.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 19th day of January, A. D. 1874.

CHAPTER LIII.

AN ACT TO ALLOW THE COMMISSIONERS OF ANSON COUNTY TO
LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Special tax.
enact, That the commissioners of Anson county be and they are hereby authorized and empowered to levy a special tax at the same time with the other levies on all the taxable property of the county for the year one thousand eight hundred and seventy-four, the said special tax to be applied to the payment of the interest on the bonded debt of said county, and to the cost of repairs on the court house and jail of said county The said tax shall not exceed twelve thousand dollars, and shall be collected and accounted for by the sheriff or other collecting officer in the same manner under the same penalties and within the same time as the other taxes levied in said county: *Provided*, The constitutional equation between polls and property shall be observed in the levy of said tax. Provided.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 20th day of January, A. D., 1874.

CHAPTER LIV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE
CHARTER OF THE NORTH CAROLINA RAILROAD COMPANY, AND
FOR OTHER PURPOSES MENTIONED THEREIN" RATIFIED THE
TWENTIETH DAY OF DECEMBER, ONE THOUSAND EIGHT HUN-
DRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That an act entitled "an act to amend the charter

of the North Carolina Railroad Company and for other purposes mentioned therein” ratified the 20th day of December, 1873, be amended by striking out the words “not exceeding” wherever they occur in section nine of said act.

When in force.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this 21st day of January, A. D., 1874.

CHAPTER LV.

AN ACT TO AMEND THE CHARTER OF THE NEW RIVER CANAL COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact, as follows:* That section six of an act entitled an act to incorporate the New River Canal Company, ratified the eighth day of February, one thousand eight hundred and seventy-two, be amended as follows: In line three insert the word “New” in lieu of the word “North,” so as to read “New River” instead of North River.

Amendment to section 6.

SEC. 2. That for the purpose of connecting the bays, sounds and rivers of Eastern North Carolina by a canal, the company now known as the New River Canal Company, and incorporated with authority for connecting the North-east River with New River by a canal, shall have power to extend the same to Albemarle Sound or the Roanoke river, and to that end may connect the waters of White Oak, Neuse, Pamlico or Tar and Roanoke rivers or Albemarle Sound by a canal.

Power to connect North and East river with New river.

SEC. 3. That the said company shall have power and authority to connect the waters of the Cape Fear river with the waters of the Waccamaw river by a canal, and to that end may connect the waters of the Elizabeth, Lockwoods Folly, Shellote, Little and Waccamaw rivers by a canal.

May connect Cape Fear with Waccamaw.

SEC. 4. The said company may utilize all bays, sounds and bodies of water whatsoever, that may tend to their interests: *Provided, however,* That all classes and kinds of water crafts that are now navigating said waters shall continue to do so without the charge of toll. Toll shall only be charged when the said company's canal, canals or branches are used.

May utilize Bays,
&c.

SEC. 5. For the purpose of affording means of navigation by steamboat and other water craft, and reclaiming the swamp and overflowed lands upon the Northeast river, and to afford means of drainage to Goshen and other swamps in Duplin county, the said New River Canal Company shall have authority to construct and make a canal from their main canal in New Hanover county to some point in Duplin county upon the waters of Goshen Swamp, or the Northeast river. The terminus of said canal in New Hanover county may be upon the main canal of said company, or at such a point as said company may select upon the Northeast river. In locating, building and operating said canal in Duplin county said company may cross over, through or along the waters of the Northeast river. And for the purpose of taking off the surplus overflow of said river, and as a feeder to said canal said company may divert portions of said river through their canal or branches; and to that end may, during the process of construction of said canal, close up said river at such points as are crossed by said canal: *Provided, however,* That upon the completion of said canal at any point it shall have crossed said river in said county, said company shall open a flow-way across their canal so that rafts and other water crafts that now navigate said river may continue to do so. The said flow-way shall be of such width, depth and size as may be decided upon by the county commissioners of Duplin county: *Provided, however,* That the amount of water permitted to pass through said flow-way shall not be of sufficient quantity to flood the swamps and overflowed lands of said river, thus making abortive the great utility for which this work is contem-

Power to construct
Canal, &c.,

Proviso.

Proviso. ✓

plated. This canal may be built or constructed entirely or in part by the said New River Canal Company, or its interests may by an agreement of all parties concerned, be made distinct and separate from said New River Canal Company; and in such an event it shall be known as the Duplin Canal Company; and as such its organization, management and government shall be conducted in all respects in the manner prescribed in the act to incorporate the New River Canal Company, ratified the eighth day of February, one thousand eight hundred and seventy-two, and shall have all powers, rights, franchises and privileges granted in the aforesaid act to which act this is amendatory.

Rights and powers
in making survey.

SEC. 6. The said company in surveying, locating, constructing, operating and using said canal, or any of its branches or connections shall have all rights, powers, privileges and franchises heretofore granted said company in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven in an act entitled "An act to incorporate the New River Canal Company," ratified the eighth day of February, one thousand eight hundred and seventy-two.

May aid and con-
struct branches, &c.

SEC. 7. The said company may construct or aid others in constructing any lateral or other canal branch or branches or feeders to their main canal, or may lease, hire, purchase or otherwise secure the use and control of the same. The said company is authorized to open books for subscription to any amount they may deem necessary for such purpose or to construct any branch or branches to, from or connecting with their main canal, and to make the stock so subscribed separate and independent of the stock of the main canal, and to be applied exclusively to the construction of the branch canal for which it was subscribed, according to such agreement as may be entered into by the subscribers aforesaid with said company; and all by-laws, agreements and covenants which may be made by and between said company and the subscribers to the stock aforesaid for the construction and management of any branch canal, shall have force and effect of law in all respects the same as though

embraced in this act, and the act of which this is amendatory.

SEC. 8. Said company may as shall seem best to their judgment divide portions of their canal way into divisions, and so locate, build and construct and operate said canal, and all stock subscribed for the special construction of any one division shall be so applied under such regulations and covenants as may have been entered into by said company and said subscribers.

May divide canal way, &c.

SEC. 9. In case the said company shall not be able to agree with any of the owners of the land over which said canal or any of its branches shall pass, and there should be a jury of condemnation held as provided for in section nine of the act to which this act is amendatory, then said jury in making said valuation shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being so taken or surrendered, and the benefit and advantages he, she or they may receive from the construction of said canal, or other works, and shall state particularly the amount and value of such, and the excess or damage over the benefit and advantages shall form the measure of damage in valuation of said land.

In case of disagreement without owners.

SEC. 10. The said company may charge toll upon all vessels, ships, steamships, steamboats and all other kind of water craft whatever and upon rafts, wood, timber, and merchandise of all classes and kinds and commodities of every class and kind whatsoever, and upon passengers.

Tolls.

SEC. 11. The company may own or possess (alone or in connection with any other company or individual) steamboats and other vessels and ply and sail the same, and may contract and bargain with person or persons, or the owners of steamboats and all kinds of water craft, or vessels for the transportation of freight and passengers, and may take and secure for their use such rates of pay for transporting freight and passengers, or for other accommodation in, by or with such boats and vessels as they may from time to time establish or contract for with their customers.

Steamboats, and other vessels.

Lands, tenements,
&c.

SEC. 12. That the said company may purchase, have and hold in fee or for a term of years any lands, tenements or hereditaments which may be necessary or convenient for the use of said canal or any of its branches, and may construct store houses, houses for officers, agents or servants of said company.

Contracts.

SEC. 13. Said company may contract with the owner or owners of swamp and overflowed lands for the draining and reclaiming the same ; and said company may receive as pay part of said lands drained and reclaimed ; or make such bargain or contract as may be agreeable to both parties, and it shall not be necessary for the wife to join her husband in the conveyance of any part of said swamp or overflowed lands to said company in order to pass her dower or other marital right therein.

Intruders and
penalties.

SEC. 14. That if any person or persons shall intrude upon the said canal, or any of its branches by any manner of use thereof without the permission of, or contrary to the will of said company, he, she or they so offending may be indicted for a misdemeanor, and upon conviction thereof, shall be fined or imprisoned, or both, by any court of competent jurisdiction.

Obstructions and
damages.

SEC. 15. That if any person or persons shall wilfully destroy or in any way hurt, damage or obstruct, or shall wilfully cause or aid, or assist, or counsel and advise any other person or persons to destroy or in any manner hurt or damage, or to obstruct or injure said canal or any of its branches, or its locks, gates, aprons, dams, levees, embankments, ponds or bodies of water, or shall turn off water from said canal or its branches, ponds or bodies of water, or shall drain into said canal by ditching, or by any other means water, except at such points said company has prepared to receive such water, or shall injure any ware house, wharf, or property of any kind being owned by said canal company, such person or persons so offending shall be liable to indictment therefor, and on conviction, shall be imprisoned for not more than twelve months, nor less than one

month, or shall pay a fine of not less than twenty nor more than five hundred dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all damages done and expenses in repairing the same.

SEC. 16. The said New River Canal Company may from time to time increase its stock upon its main canal or branches by a majority vote of three-fourths of its stock, not exceeding one hundred and fifty thousand dollars. Increase of stock.

SEC. 17. That for the purpose of raising money to construct said canal or branches or divisions, said company may borrow money upon its stock, or by hypothecating bonds, or by any means that may seem best to said company. May borrow money, &c.

SEC. 18. That for the purpose of raising money to construct, maintain and operate said canal or any branch or branches, division or divisions of said canal, said company may at its option hypothecate bonds or issue first and second mortgage bonds, payable either in gold or United States currency, with or without coupons of interest attached. Said bonds may be made payable either in this or any foreign country, and at any rate of interest it elects not exceeding eight per cent. per annum, and for any amount not exceeding (\$15,000) fifteen thousand dollars per mile of canal or branches made or to be made, which bonds shall be signed by the president or chief officer, and attested by the secretary, and sealed with the corporate seal of the company. Bonds may be hypothecated.

SEC. 19. The principal and interest of said bonds to be made due and payable at such times and places and prices as the directors may select, and said company are hereby prohibited from ever resisting the payment thereof on the plea of usury. Principal and interest.

SEC. 20. To secure the payment of their bonds or any other evidences of debt issued aforesaid, and the interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustees as may be selected or agreed on, the same to be signed by the president or chief officer, and attested by Payment of bonds secured.

the secretary of said corporation, conveying all its canal, branches, franchises and property, including its canal bed, superstructure, equipments, choses in action, evidences of debt, and all its real and personal estate of whatever kind; and the said deed or deeds when duly executed, may be registered in the county of New Hanover, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever, and shall give it priority and preference over all claims against said corporation.

Mortgages,

SEC. 21. The said company may mortgage any portion of its main canal or division, or any branch or branches that are made or may be made, and may mortgage its canal and all interest situated in any county, or may mortgage any given number of miles of its canal or its branches.

Subscriptions,

SEC. 22. That it may and shall be lawful for an incorporated city or town or any county in which said canal, branches or divisions may be constructed or adjacent thereto, to subscribe for such an amount of stock in said company, or to loan their credit to the same for such an amount as they or either of them shall be authorized to do by the inhabitants of the said city or town or citizens of such county in manner and form as provided by sections eighteen, nineteen and twenty of an act to incorporate the Planter's Railway Company, ratified March the first, one thousand eight hundred and seventy.

Cities, &c. may
loan credit.

SEC. 23. That for the purpose of enabling any incorporated city, town or county in which said canal, branches or divisions shall have been or may be constructed, or the counties, towns and cities adjacent thereto, to loan their credit to aid in the construction of said canal, branches or divisions, in lieu of taking stock in the same, that it shall be lawful for said counties, towns and cities to endorse first mortgage bonds of said company as they or either of them shall be authorized to do by the inhabitants of the same; and the corporate authorities of any city or town, or commissioners of any county, shall ascertain the will and sense

of the voters of any said county, town or city as is provided for in section twenty two of this act.

SEC. 24. That before the corporate authorities of any city, town or the commissioners of any county shall have submitted to the popular vote of the citizens of the same, as to whether the said city, town or county shall take stock or endorse bonds of said company, that the corporate authorities of said city, town, or commissioners of said county shall have first entered into covenant and written agreement with said company, and the proviso and nature of said covenant and agreement shall be made publicly known at least thirty days before said election through one newspaper published in said city, town or county; and in such counties, towns and cities in which there is no newspaper published in the same, it shall be advertised at three public places in said city, town or county, and said question voted upon in said county, town or city shall be for acceptance or rejection of the covenant and agreement; and should there be a majority of the votes cast in any county, town or city in favor of said covenant and agreement between said city, town or county, and said company, [it] shall be binding alike upon both parties.

Written agreement
to be made.

SEC. 25. In the event said company should fail to meet the interest upon any mortgage bonds endorsed by any county, town or city on the foreclosure of said mortgage upon said canal, branch or divisions or so much or such a part of said canal and its appurtenances as have been made and secured by mortgage by said company to said city, town or county, it shall be optionary with said county, town or city whether they sell the same or not. In the event the corporate authorities of any said city, town or county deem it best not to sell said interest in said canal, they shall then first ascertain the amount of income toll upon said canal covered by said mortgage, and if they find that said toll is not sufficient to meet all said interest on said bonds, then the corporate authorities of said city, town or county commissioners shall have full authority to raise money by taxation to meet the interest on said bonds and to create a sinking

When towns may
sell.

Proviso.

fund to redeem the same at the time of maturity : *Provided*, That nothing in this act shall be so construed as to compel the commissioners of the county of Duplin and Onslow to subscribe for any stock in said company, or loan the credit of said county for any purpose contemplated by this act, nor to hold any election to ascertain the sense or voice of the people of said county in reference to any subscription for such stock unless they shall deem it prudent and proper ; nor shall they subscribe for any such stock for said county without holding an election to ascertain the will of a majority of the qualified voters of the said county of Duplin : *And*

Provided further.

provided further, That in no event shall the said commissioners be authorized to endorse any bonds, whether mortgage or other bonds of said company, or otherwise loan the credit of said county to said company, unless they shall at the same time provide for the levying of the necessary tax to pay the same : *Provided, further*, That the bonds of the counties of Duplin and Onslow shall not be issued or the mortgage bonds of said New River Canal Company endorsed, until the work shall have actually commenced work in said county, and the said so subscribed or the mortgage bonds so endorsed, shall not exceed three hundred dollars per mile for every mile so cut in said counties.

Provided further.

SEC. 26. The said New River Canal Company shall in no wise or in any means interfere with the oyster or fish interest in New river in the county of Onslow, by taking from or adding to water of said New river.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified this 24th day of January, A. D. 1874.

CHAPTER LVI.

AN ACT TO AUTHORIZE THE TOWNSHIP BOARD OF TRUSTEES IN HICKORY TAVERN TOWNSHIP TO DECLARE THE TURNPIKE A PUBLIC HIGHWAY.

SECTION 1. *The General Assembly of North Carolina do enact*, That any number of individuals may, by individual enterprise, open and complete the work on that portion of the third division of the Marion and Asheville Turnpike road, running between the Catawba toll bridge and Hickory Tavern, in the county of Catawba, (a distance of about three miles) and that when said road is made sufficient for the easy passage of loaded wagons, that it shall then be the duty of the township board of trustees for Hickory Tavern township to declare the same to be a public highway, and shall provide for keeping it up as other public roads are kept up. Individuals may complete work, &c.

SEC. 2. That all applications for damages to the property of any person, in the county of Catawba heretofore filed and granted, shall be paid as provided for in chapter thirty-six, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine: *Provided*, That no application for damages, in said county, shall be received by the county commissioners after the ratification of this act. Damages. Provided.

SEC. 3. That this act shall be in force from its ratification.
Ratified this 24th day of January, A. D. 1874.

CHAPTER LVII.

AN ACT TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY TO MAKE TITLE TO CERTAIN TOWN LOTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the chairman of the board of commissioners of Chairman to convey lots, &c.

Cleveland county be and he is hereby authorized to convey and assure to the original purchasers of town lots in the town of Shelby, in the county of Cleveland, or to their heirs or assigns respectively, all lots and parcels of land formerly belonging to the county of Cleveland, and lying within the corporate limits of said town, and heretofore purchased by said purchasers respectively, when deeds of conveyance have not heretofore been made and executed, and deeds of conveyance made and executed as herein authorized, shall be as good and effectual to pass the title of the same to the purchasers as if they had been made and executed as heretofore authorized by law ; *Provided*, In all cases when only a part of the purchase money has been paid, it shall be a condition precedent to pay the balance before title shall be made.

Provided.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 24th day of January, A. D. 1874.

CHAPTER LVIII.

AN ACT TO CREATE AN ADDITIONAL TERM OF THE SUPERIOR COURT FOR THE COUNTY OF EDGECOMBE.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be an additional regular term of the Superior Court of the county of Edgecombe in each year, to be held for two weeks, unless the business be sooner disposed of, and that the time for holding the same shall be on the third Monday in July.

SEC. 2. That the said additional term shall be for the trial of civil causes or actions only ; that no original or final process shall be made returnable thereto ; nor shall any

Additional term held in July.

To try civil actions:

final process issue upon judgment rendered at said term until after the next succeeding term.

SEC. 3. That it shall be the duty of the commissioners of said county at least twenty days before the holding of said term in each year, to draw twenty jurors and cause them to be summoned to appear and serve as such at the said term. Jurors.

SEC. 4. That the judge holding said additional term shall be entitled to receive at the rate of one hundred dollars per week for his services therefor, to be paid by the treasurer of said county upon the certificate of the clerk of said court, stating the number of days occupied by the judge in holding said term, and audited and allowed by the county commissioners. Pay of Judges.

SEC. 5. That the Secretary of State shall forthwith furnish to the sheriff, Superior Court clerk and chairman of the board of commissioners of said county, each a duly certified copy of this act. Secretary of State to furnish copies.

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall take effect from and after its ratification. Repeal.
When in force.

Ratified this 26th day of January, A. D. 1874.

CHAPTER LIX.

AN ACT TO PROVIDE THE NECESSARY APPROPRIATION FOR THE INSTITUTION OF THE DEAF AND DUMB, AND THE BLIND, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

SECTION 1. *The General Aseembly of North Carolina do enact*, That the sum of forty-six thousand and five hundred hundred (\$46,500) dollars is hereby appropriated for the purpose of defraying the expenses of the Institution of the Appropriates \$46,500.

Deaf and Dumb, and the Blind, during the current fiscal year, commencing the first day of January, one thousand eight hundred and seventy-four, and ending the first day of January, one thousand eight hundred and seventy-five.

Public Treasurer to pay Treasurer of institution.

SEC. 2. That the Public Treasurer is hereby authorized and directed to pay the said amount of forty-six thousand and five hundred (\$46,500) dollars to the treasurer of said institution out of the funds allotted by law for the support of said institution, or out of any moneys in the treasury not otherwise appropriated: *Provided*, That the amount above stated be drawn quarterly in advance, and in equal installments, and, *Provided further*, That six thousand and five hundred dollars of this appropriation shall be expended for the completion of the building for the colored department: *Provided further*, That it shall not be lawful for the board of trustees of said institution to contract any debts during the present fiscal year which would call for an appropriation by the State to make up a deficit.

Provided.

Completion of colored department.

Provided.

Brick &c.

SEC. 3. That the board of trustees for the institution of the deaf and dumb, and the blind, are hereby authorized to procure from the board of directors of the penitentiary, which board is hereby also directed to furnish, as many brick as shall be necessary for the repairing of the fence around the old institution, and for such other purposes in connection therewith as the said board of trustees may deem for the best interest of the State.

When in force.

SEC. 4. That this act shall take effect from its ratification. Ratified this 24th day of January, 1874.

CHAPTER LX.

AN ACT TO ENABLE INDIGENT PARTIES IN CIVIL ACTIONS TO APPEAL TO THE SUPREME COURT.

Judge to make order for appeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That when any party to a civil action tried and de-

terminated in the Superior Court, shall at the time of trial desire an appeal from the judgment rendered in said action to the Supreme Court, and shall be unable, by reason of his poverty to give the security required by law for said appeal, it shall be the duty of the judge of said Superior Court to make an order allowing said party to appeal from said judgment to the Supreme Court as in other cases of appeal now allowed by law, without giving security therefor: *Provided*, Provided, however, *however*, That the party desiring to appeal from said judgment shall make affidavit, that he is unable by reason of his poverty to give the security required by law for said appeal, and that said party is advised by counsel learned in the law, that there is error in matter of law in the decision of the Superior Court in said action: *Provided further*, Provided further, That said affidavit shall be accompanied by a written statement from a practicing attorney of said Superior Court that he has examined the affiant's case and that he is of opinion that the decision of the Superior Court, in said action, is contrary to law.

SEC. 2. This act shall apply to all cases tried and determined at the last term of the several Superior Courts of this State. Applies to trials had at last term.

SEC. 3. This act shall be in force from and after its ratification. When in force.

Ratified this 26th day of January, A. D. 1874.

CHAPTER LXI.

AN ACT TO AMEND AN ACT TO PREVENT DISTEMPER AND OTHER INFECTIOUS DISEASES AMONG CATTLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That if any person or persons shall drive, cause to be driven, or allow to roam at large, any cattle from the first day of April to the last day of November from any county Diseased cattle, &c.

in the State of South Carolina or Georgia, into the counties of Buncombe, Henderson, Transylvania, Haywood, Jackson, Macon, Clay, Cherokee or Graham in this State, or either of them, such person or persons shall be liable to a fine of five dollars on each head of cattle so driven, caused to be driven or allowed to roam at large as aforesaid.

Duty of Justice.

SEC. 2. That any justice of the peace in any one of said counties, upon information that any cattle have been driven or are roaming at large from either of said States aforesaid in any one of said counties in which the justice may reside, it shall be the duty of said justice to issue a warrant to the sheriff or other lawful officer of his county, commanding them forthwith to seize and impound the same, and after advertisement for ten days at four public places in said county, except the owner of such cattle shall sooner pay such fine, cost and expense of impounding, shall sell the same to the highest bidder for cash, the proceeds of said sale above the said fine, cost and expense of impounding to be paid to the owner of said stock on demand.

Proviso.

SEC. 3. That all laws or clauses of laws coming in conflict with this act are hereby repealed: *Provided*, Nothing herein contained shall be so construed as to prevent the owner of any land in North Carolina who may be a resident of South Carolina or Georgia from bringing his or her cattle into the counties aforesaid, providing such cattle are kept continuously on lands surrounded by a lawful fence: *Provided*, Nothing herein contained shall be construed to deprive any citizen of North Carolina of his personal property exemption.

Proviso.

When in force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 24th day of January, A. D. 1874.

CHAPTER LXII.

AN ACT TO PROHIBIT THE SALE OF COTTON WITHIN CERTAIN
HOURS.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to buy or sell any cotton in the seed or any unpacked lint cotton brought or carried in a basket, hamper or sheet, or in any way where the quantity is less than usually baled, or is not baled, between the times of sun set and sun rise.

Sale of quantities
at stated hours
forbidden.

SEC. 2. That any one offending against the provisions of this act shall be deemed and held guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding fifty dollars or imprisoned not exceeding one month.

Offenders punished
by fine and im-
prisonment.

SEC. 3. This act shall be in force from its ratification.

Ratified this 27th day of January, A. D. 1874.

CHAPTER LXIII.

AN ACT TO AMEND SECTION ONE, CHAPTER SEVENTY, ACTS OF
ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE
THOUSAND EIGHT HUNDRED AND SEVENTY ONE, ENTITLED
AN ACT IN RELATION TO THE PUBLIC LIBRARY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one, chapter seventy, of the acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be amended by striking out the " words " five hundred " in said section, and inserting in lieu thereof the words " seven hundred and fifty."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 27th day of January, A. D. 1874.

CHAPTER LXIV.

AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES OF THE
UNIVERSITY OF NORTH CAROLINA.

Number of trustees
and election.

SECTION 1. *The General Assembly of North Carolina do enact, in pursuance of the authority granted by the fifth section of the ninth article of the amended constitution:* That there shall be sixty-four trustees of the University of North Carolina elected by joint ballot of both Houses of the General Assembly on the twenty-ninth day of January one thousand eight hundred and seventy-four, whose term of office shall be eight years from and after December first, one thousand eight hundred and seventy three, and in whom, when chosen, shall be vested all the rights, privileges, franchises and endowments thereof, in any wise granted to or conferred upon the trustees of said university.

To meet in thirty
days.

SEC. 2. That the first meeting of the trustees shall be held within thirty days after their election, and at this and every subsequent meeting ten shall constitute a quorum. The trustees at their first meeting shall be divided into four classes. The seats of the first class shall be vacated at the expiration of two years; of the second class at the expiration of four years; of the third at the expiration of six years; of the fourth at the expiration of eight years, so that one-fourth may be chosen every second year.

Classes.

Vacancies.

SEC. 3. That whenever any vacancy or vacancies shall happen in the said board it shall be the duty of the secretary of the board of trustees to communicate to the General Assembly the said vacancy or vacancies and thereupon they shall elect by joint ballot of both houses a suitable person or persons to fill the same.

Rules and regula-
tions.

SEC. 4. That the board of trustees shall have power to make such rules and regulations for the management of the University as they may deem necessary and expedient not inconsistent with the constitution and laws of the State.

SEC. 5. That the board of trustees shall have power to appoint from their own number an executive committee which shall be clothed with the powers delegated to the executive committee under preceding organization of the University.

Executive committee.

SEC. 6. That this act shall take effect from and after its ratification.

When in force.

Ratified this 28th day of January, A. D. 1874.

CHAPTER LXV.

AN ACT TO RESTORE THE RECORDS OF WASHINGTON COUNTY.

WHEREAS, In May, one thousand eight hundred and seventy-three, the court house in Washington county and many of the records therein were burned,

Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person who is interested in any record or paper writing, which was so destroyed in the said court house in the county of Washington, whether in the Superior Court, the former courts of equity, the late county courts, or in the offices of the judge of probate and register of deeds, or any paper of any kind which was filed in the said court house or in the offices of register of deeds and judge of probate, or recorded among the records of said county and destroyed as aforesaid, if there is no adverse interest in the subject matter, may file his or her petition in the Superior Court of said county at term time; and the court may hear oral testimony, and shall find the facts or shall submit proper issues to a jury, and upon the findings of the court or jury the judge shall render his judgment according to the findings of the court or jury; and such findings and judgment shall be made a part of the records of said court.

Restoration of records.

Action to commence in Superior Court.

SEC. 2. That in all cases mentioned in the first section of this act, when there are parties interested in the matter adverse to the plaintiff, he, the plaintiff, shall commence his action in the Superior Court of said county against any and all persons interested in the subject matter, and shall file his or their complaint which shall be sworn to as is prescribed in other actions, and at the next term of the court after the return term, the court may hear the evidence and find the facts, or he may direct issues to be submitted to a jury, and upon the findings of the court or verdict of the jury, the judge shall decree that the records be made in accordance with such findings.

Judge shall decree.

Appeals.

SEC. 3. That in all cases an appeal shall lie to the Supreme Court as in other cases.

Costs.

SEC. 4. That the court may award costs to either party or to neither as his discretion may direct.

When in force.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this 28th day of January, A. D. 1874.

CHAPTER LXVI.

AN ACT TO PROVIDE FOR THE RELINQUISHMENT TO THE UNITED STATES, IN CERTAIN CASES OF TITLE TO AND JURISDICTION OVER LANDS FOR SITES OF LIGHTHOUSES, BEACONS OR OTHER AIDS TO NAVIGATION IN THE WATERS OF THIS STATE.

Application and site described.

SECTION 1. *The General Assembly of North Carolina do enact*, That whenever the United States desire to acquire title to land belonging to the State and covered by the navigable waters within the limits thereof for the site of a light house, beacon or other aid to navigation, and application is made by a duly authorized agent of the United States describing the site required for one of the purposes

aforesaid, then the Governor of the State is authorized and empowered to convey the title to the United States and to cede to the said United States jurisdiction over the same: *Provided*, No single tract shall contain more than ten (10) acres.

Governor to make title.

Proviso.

Exempt from taxation.

SEC. 2. All the land and privileges over which jurisdiction is hereby ceded and the buildings and property which may be placed thereon by said United States, shall be exempt from taxation so long as the same shall be used for the said purposes herein before mentioned.

SEC. 3. *Provided*, That this act shall in no manner take away or interfere with the jurisdiction of this State for the purpose of serving or executing any legal process: *And, provided further*, That the title to said land so conveyed to the United States shall escheat to the State unless the construction of a light-house, beacon or other aid to navigation be begun within two (2) years after such conveyance is made and be completed within ten (10) years thereafter.

Proviso.

Provided further.

SEC. 4. This act shall take effect from its ratification.

When in force.

Ratified this 28th day of January, A. D., 1874.

CHAPTER LXVII.

AN ACT TO MAKE LEGAL THE SPECIAL TERM OF WAKE SUPERIOR COURT BEGINNING ON THE TWENTY-SEVENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

WHEREAS, His Excellency, the Governor, has, by proclamation, appointed a special term of Wake Superior Court to commence on Tuesday, the twenty-seventh day of January, one thousand eight hundred and seventy-four; and whereas, the law requires such terms of court to commence on Monday:

Preamble.

Term legalized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said term of Wake Superior Court so commencing on Tuesday, the twenty-seventh day of January, one thousand eight hundred and seventy-four, shall be and is hereby made in all respects a legal term of said court, any law, statute or usage to the contrary, notwithstanding.

SEC. 2. This act shall take effect from its ratification.

Ratified this 28th day of January, A. D. 1874.

CHAPTER LXVIII.

AN ACT TO PROHIBIT THE SALE OF ARDENT SPIRITS TO MINORS.

Unlawful to sell to minors.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any dealer, trader or retailer of intoxicating drinks or liquors to sell or give away any such drinks or liquors, and in any manner to receive compensation therefor, either directly or indirectly, to any person under the age of twenty-one years, knowing the said person to be under twenty-one years of age. Any person who keeps on hand intoxicating liquors for the purposes of sale or profit, shall be considered a dealer within the meaning of this act.

Right of action granted.

SEC. 2. The father, or if he be dead, the mother, guardian or employer of any minor to whom sales or gifts shall be made in violation of this act, shall have a right of action in a civil suit against the person or persons so offending by such sales or gifts; and upon proof of any such illicit sales or gifts, shall recover from such party or parties so offending such exemplary damages as a jury may assess: *Provided*, Such assessment shall be not less than twenty-five dollars.

Provided.

Fines and imprisonment.

SEC. 3. Any person or persons violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less

than ten dollars, or more than fifty dollars, or imprisoned not more than one month, or the court may, in its discretion, impose both such fine and imprisonment: *Provided*, Proviso. *however*, That this act shall not apply in cases of minors who are married.

SEC. 4. That this act shall take effect on the first day of When in force. May, one thousand eight hundred and seventy-four.

Ratified this 29th day of January, A. D. 1874.

CHAPTER LXIX.

AN ACT TO PREVENT FRAUDS IN THE SALE OF COMMERCIAL MANURES.

SECTION 1. *The General Assembly of North Carolina do* Trade mark, &c. *enact*, That all commercial manures and manipulated guanos sold or kept for sale in this State shall have affixed to every bag, barrel or parcel thereof containing fifty pounds or upwards, an especial name, trade mark or device, by which the same may be known or designated, with the name and place of residence of the manufacturer or seller, together with a true analysis which shall specify the per centage and form of chemical combination, actual ammonia, nitrogen, inorganic matter, potash soluble in acidulated water, phosphoric acid soluble in water at sixty to seventy degrees F., and phosphoric acid insoluble, and of other alkaline substances contained in such package or parcel.

SEC. 2. That any manufacturer or trader, or agent, who shall sell or offer for sale, or have on hand for sale, any commercial manures or manipulated guanos, contrary to the provisions of the first section of this act, or who shall fraudulently affix a stamp, impress or card to the same, shall be held personally liable for all damages sustained by any one in the purchase of such manure, and any such commercial Attachments

manure shall be subject to attachment at the suit of any person damaged in the purchase of any such fertilizer bearing such name, trade-marks or stamps.

Forfeitures.

SEC. 3. And the owner, manufacturer or person having such manure on hand for sale, on selling or offering the same for sale, contrary to the provisions of this act, shall forfeit and pay the sum of five dollars for each bag, barrel or parcel of the same; and it shall be the duty of the sheriff or other lawful officer, to seize and sell the same, and collect said penalty, and account to the public treasurer for the same as other taxes are accounted for.

Duty of sheriff.

SEC. 4. That any deficiency of the above mentioned ingredients in such fertilizers, may be plead in bar of the recovery of any debt contracted for the purchase of any such fertilizer.

Deficiency may be plead in bar.

Trials, &c.

SEC. 5. That upon the trial of any such suit a certificate of a full and accurate analysis made by the State Geologist, or under his direction, shall be presumptive evidence of the chemical contents and ingredients contained in the sample of fertilizer so analyzed, and of the package or parcel from which such sample was taken, for which analysis the plaintiff in such suit shall pay to the State Geologist the sum of fifteen dollars to be recovered by said plaintiff as part of the cost of suit.

Geologist to sample when requested.

SEC. 6. That the State Geologist, at the request of any person who shall pay him the sum of fifteen dollars shall sample any lot of fertilizer held or offered for sale in this State, and analyze or cause the same to be analyzed; and if he shall find therein evidence of a failure to comply with the provisions of this act, he shall cause the same to be published in some agricultural or other public papers in the cities of Raleigh and Baltimore.

Suits joined.

SEC. 7. That it shall be lawful for one or more parties in the same county to join in one suit against the manufacturer, and that in entering judgment should there be more than one party damaged the jury shall in their verdict ascertain the damage to each party so joined in the suit as plaintiff,

and a judgment shall be rendered therein accordingly : *Pro-* Provided.
vided however, That the State Geologist shall be entitled to
 fifteen dollars for each separate analysis made for parties at
 such suit : *Provided*, That the State Geologist shall not be Provided-
 entitled to any fee or allowance for services in making an
 analysis or analyses for, or on account of, or at the instance of
 any person engaged in farming or other agricultural pursuit
 in this State.

SEC. 8. That chapter two hundred and three of the public Repeal.
 laws of one thousand eight hundred and seventy-one and
 one thousand eight hundred and seventy-two, entitled an act
 to prevent fraud in the sale of commercial manures, rati-
 fied the twelfth day of February, Anno Domini, one thou-
 sand eight hundred and seventy-two be, and the same is
 hereby repealed.

SEC. 9. This act shall be in force from and after its ratifi- When in force.
 cation.

Ratified this 29th day of January, A. D. 1874.

CHAPTER LXX.

AN ACT IN FAVOR OF CERTAIN OFFICERS AND TAX PAYERS OF NASH COUNTY.

WHEREAS, In the years one thousand eight hundred and Preamble.
 sixty-nine, one thousand eight hundred and seventy and
 one thousand eight hundred and seventy-one, certain town-
 ship boards of trustees and school committees of Nash county
 under a misconstruction of their powers and duties ordered
 the collection of taxes in their several townships for public
 school purposes.

SECTION, 1. *The General Assembly of North Carolina do* Accounting officers
enact : That no constable or other collecting officer of any not held liable.
 township in Nash county, shall be held liable to any person by

reason of his having collected the tax levied in the years one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, and one thousand eight hundred and seventy-one, for public school purposes by any township board of trustees or school committee of said county: *Provided*, Said constable or other collecting officer has *bona fide* paid out the money so collected by him, by direction of said township board of trustees, or school committee.

Provided.

Duty of Sheriff.

SEC. 2. That in the collection of taxes levied for the support of the public schools of the State for the year one thousand eight hundred and seventy-four, the sheriff of Nash county be, and he is hereby instructed to receive in payment of such taxes any *bona fide* receipts given by said constable or other collecting officer for said illegally collected taxes, and the amount of such receipts shall be deducted from the apportionment of the school fund for the year one thousand eight hundred and seventy-four for the township in which such receipts were taken.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 30th day of January, A. D., 1874.

CHAPTER LXXI.

AN ACT TO PREVENT PERSONS FROM CARRYING TORCH LIGHTS THROUGH COVERED BRIDGES IN THE COUNTY OF RANDOLPH.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person who shall carry torch lights through any covered bridges in the county of Randolph shall be subject to all damages arising therefrom, and also deemed guilty of a misdemeanor, and upon conviction before any

Persons carrying torch lights liable for damages.

court having jurisdiction, shall be fined not less than five dollars for each offence.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 30th day of January, A. D. 1874.

CHAPTER LXXII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO CHARTER THE WILSON AND TAR RIVER NARROW GAUGE RAILROAD, PASSED ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, CHAPTER NINETEEN.

SECTION, 1. *The General Assembly of North Carolina do enact,* That after section eight, chapter nineteen, laws one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, add, for the purpose of raising money to build said road, the board of directors may at their option make, execute and issue their bonds, payable with interests thereon, either in United States currency or gold, and at any rate of interest not exceeding eight per cent. per annum, and for any amount not exceeding two hundred thousand dollars, which bonds shall be signed by the president of said board and attested by its secretary and sealed with its corporate seal, and shall be in sums of one hundred, five hundred and one thousand dollars each, with the usual half yearly interest coupons annexed. The principal and interest of said bonds to be made due and payable at such times and places and in such manner, and to be sold at such times, places and prices as the directors may select, and said company are hereby prohibited from ever resisting the payment thereof on the plea of usury. The proceeds of

Amendment.
Principal and interest.

said bonds may be applied in constructing buildings and equipping said road.

Payment secured.

SEC. 2. To secure the payment of these bonds and the interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be selected or agreed on, the same to be signed by the president and attested by the secretary of said corporation, conveying its railroad, franchises and property, including its road bed, superstructure, equipment, choses in action, evidences of debt, and all its real and personal estate of whatever kind, and the said deed or deeds, when duly executed, may be registered in the county of Wilson, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever.

When in force.

SEC. 3. This act to be in force from and after its ratification.

Ratified this 2nd day of February, A. D., 1874.

CHAPTER LXXIII.

AN ACT CONCERNING COMMISSIONERS OF AFFIDAVITS AND PROBATES OF DEEDS IN OTHER STATES, TERRITORIES AND THE DISTRICT OF COLUMBIA.

Appointments to terminate in two years.

SECTION 1. *The General Assembly* TWENTY-TWO *Carolina do enact*, That the commissions of all commissioners of affidavits and probates of deeds for North Carolina in other States, the District of Columbia and the territories of the United States, shall terminate two years from and after the date of such appointment, and shall totally expire at said time unless renewed as now provided by law:

Renewals.

SEC. 2. That the commissions of all of said commissioners now in existence, shall be renewed on or before the first day

of January, Anno Domini, one thousand eight hundred and seventy-five, otherwise they shall cease, according to the provisions of the foregoing section.

SEC. 3. This act shall not operate as a repeal save to such clauses of the law now in force as come in conflict therewith; and shall go into effect upon its ratification. Repeal.

Ratified this 2nd day of February, A. D., 1874.

CHAPTER LXXIV.

AN ACT TO ENABLE THE COMMISSIONERS OF SURRY COUNTY TO
CONSOLIDATE AND PAY THE DEBT OF SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Surry county be and they are hereby authorized and empowered to issue bonds of denominations not less than twenty-five dollars, signed by the chairman of the board, payable in ten years and bearing interest at the rate of six per centum per annum, for the purpose of absorbing the outstanding indebtedness of the county. Bonds.

SEC. 2. That the commissioners of said county shall have power to classify the debts of the county and to give to such creditors as may be willing to accept the terms offered by them, such per cent on their claims, in the bonds to be issued as aforesaid as in their judgment may seem just and reasonable in view of the price at which any particular class of claims have sold in the market of the county. Classification of debts.

SEC. 3. That the commissioners aforesaid are hereby authorized to sell, if deemed expedient, a part of the lands on which the poor house is erected, and convey the same by deed signed by the chairman, which deed of conveyance shall be valid to convey the same. Sale of lands.

SEC. 4. That this act shall go into effect from and after its ratification.

Ratified this 2nd day of February, A. D. 1874.

When in force

CHAPTER LXXV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF NASH COUNTY
TO LEVY A SPECIAL TAX.Special tax author-
ized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Nash county are hereby authorized and empowered to levy a special tax for the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, not to exceed three thousand five hundred dollars each year for the purpose of building a bridge with stone piers across Tar river at the Big Falls of said river near Rocky Mount: *Provided*, That the constitutional equation between the property and poll shall be observed.

Provided.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 2d day of February, A. D., 1874.

CHAPTER LXXVI.

AN ACT TO REPEAL CHAPTER SIXTY-EIGHT, LAWS OF ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Repealed.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter sixty-eight of the public laws passed by the General Assembly at its session of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, and ratified the twenty-sixth day of January, one thousand eight hundred and seventy-two, be and

the same is hereby repealed: *Provided*, That the provisions Proviso-
of this repealing act do not apply to the county of Randolph.

SEC. 2. This act shall be in force from and after its ratifi- When in force.
fication.

Ratified this 2d day of February, A. D., 1874.

CHAPTER LXXVII.

AN ACT FOR THE RELIEF OF N. C. COOR.

SECTION 1. *The General Assembly of North Carolina do* Allowed to collect
enact, That N. C. Coor, of Wayne county, be authorized and taxes.
allowed to collect all taxes in arrears and still due on the tax
list of Fork township, in Wayne county, for the years one
thousand eight hundred and sixty-nine and one thousand
eight hundred and seventy, with all the powers which be-
longed to him as constable of said township for said years
for said purposes.

SEC. 2. That this act shall be in force from and after its When in force.
ratification.

Ratified this 3rd day of February, A. D. 1874.

CHAPTER LXXVIII.

AN ACT TO PROVIDE FOR A SPECIAL ELECTION IN CALDWELL COUNTY.

WHEREAS, On the ninth day of October, one thousand Preamble.
eight hundred and seventy-three, an election was held in
Caldwell county to decide the question of the appropriation
of sixty thousand dollars in bonds of the county to the Ches-
ter and Lenoir Narrow Guage Railroad Company, receiving
therefor stock in said company for the amount; and whereas,

it is a well known fact that less than one-half of the actual voters in said county voted in such election ; therefore,

Sheriff to hold election.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of testing the question of the subscription of sixty thousand dollars to the capital stock of the Chester and Lenoir Narrow Gauge Railroad Company, the sheriff of Caldwell county is hereby ordered and directed to open the polls and hold an election on the first Thursday in April, one thousand eight hundred and seventy-four, under such regulations as are now required by law. At such election the question of subscription shall be voted upon. Those voting in favor of shall vote a written or printed ticket bearing the word "subscription," and those voting against the proposition shall vote a written or printed ticket bearing the words "against subscription."

Commissioners to compare.

SEC. 2. On the Saturday after the election the county commissioners shall meet to compare the vote so cast, and a majority of the votes cast at the election shall prevail to decide the question voted upon.

Judges.

SEC. 3. The county commissioners shall appoint judges to hold the above recited election.

Duty of sheriff.

SEC. 4. It shall be the duty of the sheriff to see that the election provided for in section one of this act is properly advertised in three or more public places in each township in the county for at least one month prior to the day of election. It shall further be the duty of the sheriff to have a certified copy of this act printed until the day of election in the "Piedmont Press," a newspaper published at Hickory Tavern, Catawba county, North Carolina, and the county treasurer shall pay the cost of such printing.

Secretary to furnish copy.

SEC. 5. Immediately upon the ratification of this act the Secretary of State shall furnish a certified copy of this act to the commissioners of the county of Caldwell and one to the sheriff of said county.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 3rd day of February, A. D. 1874.

CHAPTER LXXIX.

AN ACT CONCERNING FERRIES AND CAUSEWAYS FROM THE CITY
OF WILMINGTON TO BRUNSWICK COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That any and all grounds or causes of forfeiture now existing against the franchise, rights and privileges granted to William Dry by an act of the Governor, council and assembly of North Carolina, entitled "an act to encourage and empower William Dry to make a public road through the great island opposite to the borough of Wilmington," passed in the year Anno Domini one thousand seven hundred and sixty-four; or against the franchises, rights and privileges granted by an act of the General Assembly of North Carolina, entitled "An act to encourage Benjamin Smith to repair and complete the bridges and causeways through the great island opposite Wilmington," passed in the year Anno Domini one thousand seven hundred and eighty-four; or against any franchises, rights and privileges heretofore granted by any act of the General Assembly of North Carolina relating to the ferries and causeways over the Cape Fear and Brunswick rivers, and through Eagle's Island, be and they are hereby expressly waived and surrendered to the present owners and proprietors of said franchises, their heirs and assigns. That all complaint or causes of complaint on the part of the State or the public for any acts or things heretofore done or suffered by any of the holders and owners and proprietors of said franchises are expressly waived and surrendered, and all acts of misfeasance or nonfeasance, misuse or nonuse heretofore done or committed are by this act recognized, waived and condoned.

Causes of forfeiture waived.

SEC. 2. This act shall be in force from and after its ratification.

When in force.

Ratified this 5th day of February, A. D. 1874.

CHAPTER LXXX.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO REQUIRE THE OWNERS OF SEINES AT OR NEAR THE MOUTH OF CHOWAN RIVER TO STAKE OUT THE MIDDLE OF THE CHANNEL AND FOR OTHER PURPOSES, RATIFIED DECEMBER TWENTY-SECOND, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That wherever the words, "middle of the channel" are used in the above recited act, that they be sticken out and that the words "middle of the river" be inserted as the meaning and intent of the law to which this act is supplemental: *Provided*, That wherever there is a fishery operated on one side or bank of said river, and no fishery operated directly oppostte on the other side or bank of said river, then the owner or operator of the said fishery may stake or mark out and fish over two-thirds of the width of said river.

Proviso.

SEC. 2. That this act be in force from and after its ratification.

When in force.

Ratified this 5th day of February, A. D. 1874.

CHAPTER LXXXI.

AN ACT TO CHANGE THE TIME FOR HOLDING THE SUPERIOR COURTS OF RANDOLPH COUNTY IN THE SEVENTH JUDICIAL DISTRICT.

Court, when to be held.

SECTION 1. *The General Assembly of North Carolina do enact*, That after the first day of January, one thousand eight hundred and seventy-five, the Superior Courts for the

county of Randolph shall be held on the fourth Monday before the first Monday in March and September of each year.

SEC. 2. That all laws and parts of laws inconsistent with this act are hereby repealed. Repeal.

SEC. 3. This act shall be in force from and after its ratification. When in force.

Ratified this 6th day of February, A. D. 1874.

CHAPTER LXXXII. ✓

AN ACT IN REFERENCE TO THE STOCKHOLDERS AND DIRECTORS
OF THE CAROLINA CENTRAL RAILWAY COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the meetings of the stockholders and the meetings of the board of directors of the Carolina Central Railway Company may be held in the city of New York with the like legal effect as if the said meetings were held in the State of North Carolina, and all such meetings of stockholders and of directors heretofore held in New York are confirmed and declared to be valid and effectual as if the same had been held in North Carolina. May meet in New York.

SEC. 2. That at least four of the whole number of directors of said Carolina Central Railway Company shall be citizens and residents of the State of North Carolina. Four to be residents of North Carolina.

SEC. 3. This act shall take effect from its ratification. When in force.

Ratified this 6th day of February, A. D. 1874.

CHAPTER LXXXIII.

AN ACT TO INCLUDE THE COUNTY OF HYDE WITHIN THE PROVISIONS OF THE "ACT RELATING TO FENCES AND FOR THE PROTECTION OF CROPS," CHAPTER ONE HUNDRED AND NINETY-THREE, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Hyde county included.

SECTION 1. *The General Assembly of North Carolina do enact*, That the provisions of "An act relating to fences and for the protection of crops," chapter one hundred and ninety-three of the laws of North Carolina of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, ratified the third day of March, one thousand eight hundred and seventy-three, be and the same are hereby extended so as to include the county of Hyde within the operations of said act.

Commissioners to meet first Monday in July.

SEC. 2. The county commissioners of Hyde county are hereby empowered and directed to meet at their court house on the first Monday of July, one thousand eight hundred and seventy-four, and cause to be published notices in the several townships of said county (except the township of Ocracoke which said township is excluded from the operation of this act) that an election will be held on the first Thursday in October, one thousand eight hundred and seventy-four, under existing laws, in said county, at which election the question to be decided shall be the adoption or rejection of the provisions of said "act relating to fences and for the protection of crops," ratified the third day of March, one thousand eight hundred and seventy-three.

Elections.

SEC. 3. The result of said election shall be ascertained and announced by the commissioners of Hyde county within one week after said election, and they are hereby authorized to hold an adjourned meeting at the court house on the — Monday of October next for that purpose; and in case a

majority of the legal voters of said county shall vote for the adoption of the provisions of said act, then the boundary lines of said county are hereby constituted a lawful fence.

SEC. 4. In the event that said act shall be rejected by the county of Hyde and subsequently adopted by any one or more of the townships of said county, then the commissioners of said county are hereby empowered and directed to lay off and have constructed what they shall deem a sufficient fence between the townships adopting and the townships rejecting the provisions of said act, which fence is to be constructed entirely at the expense of the townships adopting said act; and said act is not to take effect in such townships until such fence has been constructed.

In event of rejection &c.

SEC. 5. That section third of said act, chapter one hundred and ninety-three, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, is hereby amended by inserting in the third line of the printed law after the word "owner" the words "with his consent, or by his negligence."

Amendment.

Ratified this 6th day of February, A. D. 1874.

CHAPTER LXXXIV.

AN ACT TO FIX THE TIME AND PLACE OF THE FIRST MEETING OF THE TRUSTEES OF THE UNIVERSITY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the first meeting of the trustees of the University of North Carolina elected under the provisions of an act to provide for the election of trustees of the University of North Carolina, ratified on ——— shall take place in the city of Raleigh on the eighteenth day of February, one thousand eight hundred and seventy-four.

Meet in Raleigh.

SEC. 2. This act shall take effect from its ratification.

When in force.

Ratified this 7th day of February, A. D. 1874.

CHAPTER LXXXV.

AN ACT TO ALLOW THE COMMISSIONERS OF STANLY COUNTY TO
LEVY A SPECIAL TAX.

Special taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Commissioners of Stanly county are hereby authorized and empowered to levy and collect a special tax not to exceed the sum of fifteen hundred dollars for the payment of certain debts due the state of North Carolina borrowed under a resolution of the General Assembly of North Carolina, passed at the session of one thousand six hundred and sixty-six and one thousand six hundred and sixty-seven.

How collected.

SEC. 2. That said taxes shall be collected as other taxes are on or before the first of December, one thousand eight hundred and seventy-four: *Provided*, The constitutional equation between polls and property shall be observed.

Proviso.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 7th day of February, A. D., 1874.

CHAPTER LXXXVI.

AN ACT TO AMEND AN ACT TO INCORPORATE THE HAYWOOD
AND CANE CREEK RAILROAD COMPANY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act to incorporate the Haywood and Cane Creek Railroad Company, ratified the first day of April, Anno Domini one thousand eight hundred and seventy-one, be amended as follows, to-wit: Amend section *one* so that it shall read as follows: That a company is hereby authorized to be formed with a capital stock of three hundred thousand

dollars, with power to increase the same to double that amount, to be divided into shares of twenty-five dollars each, to be known as the Chatham Railroad and Turnpike Company, for the purpose of building and constructing a railroad with one or more tracks, be used with steam or other motive power, from or near some point on the Raleigh and Augusta Air Line Railroad to the town of Pittsboro', in the county of Chatham, with power to extend the same by the most practicable route, to or near the Alamance line, and for the purpose of building one or more turnpikes from the said town of Pittsboro' in such direction or directions as the stockholders of said company may see fit; and such company, when formed, as hereinafter directed, shall have power to receive, possess, own and transfer real and personal property, to have a common seal, and to pass such by-laws not inconsistent with the laws of the State, as may be necessary to carry out the object of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have all rights of other corporate bodies under the laws of the State, to condemn land for right of way, not exceeding one hundred feet on each side of the centre of the track of said railroad, and thirty feet on each side of the centre of the track of such turnpike or turnpikes, and for all other purposes usually granted to railroad and turnpike companies, and shall have the exclusive right to transfer and carry persons, produce, merchandise, minerals, and all other articles on and along such railroad, at such prices as they may fix; and also to fix and receive the tolls for travel over such turnpike or turnpikes.

SEC. 2. That section second of said act be amended so as to read as follows: That for the purposes of creating the capital stock of said company B. I. Howze, Edgar A. J. Commissioners.
 Bynum, J. N. Clegg, A. T. Lambeth, A. Rencher, Hon. John Manning, W. C. Thomas, John A. Womack, J. H. Headen, J. G. Rencher, H. A. London, Jr., L. I. Haughton, Thomas W. Harris, G. R. Griffith, W. P. Hadley, Robert Love, J. A. Alston, James Pace, Carney Bynum, Jehiel

Atwater, J. J. Baldwin, R. J. Powell, H. O. Durham, J. M. Moring, Thomas Dixon, W. G. Albright, O. A. Hanner, Calvin Vestal, Stephen Henley, Thomas W. Womble and George P. Mocre or a quorum of them, are hereby appointed commissioners, whose duty it shall be as soon after the passage of this act as may be, to appoint such persons to open books of subscription at such places and at such times as they shall deem best, and under such rules and regulations as they may prescribe, and five of said commissioners shall be a quorum for the transaction of business.

SEC. 3. In section five, after the word "railroad" in line nine, insert "and turnpike or turnpikes." In section six, first line, strike out "or" and insert "and." In sections eight and ten, strike out "Haywood and Cane Creek Railroad Company" and insert "Chatham Railroad and Turnpike Company." In section ten, strike out all after the word "issued" in line seven. Strike out sections eleven and twelve. In section thirteen, lines two and three, after word "road," insert "or turnpike or turnpikes."

Ratified this 7th day of February, A. D. 1874.

Amendment to section 5.

Amendment to sections 8 and 10.
Strike out 11 and 12

CHAPTER LXXXVII.

AN ACT TO MAKE THE ENTRY TAKERS OF CERTAIN COUNTIES
EX OFFICIO COUNTY AGENTS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the duties heretofore imposed by chapter eighty, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, upon the register of deeds of the several counties of Clay, Cherokee, Macon, Jackson, Swain and Haywood, shall hereafter be imposed upon the entry takers of said counties, who shall be subject to all the penalties prescribed in said chapter

Duties imposed on entry takers.

eighty, laws of one thousand eight hundred and seventy one and one thousand eight hundred and seventy-two, and give bond in such sum as entry taker and *ex officio* county agent, as the commissioners of the several counties may require, not to exceed one thousand dollars.

SEC. 2. That for the additional services required of said entry takers by this act, they shall be paid such sum as the commissioners of their respective counties may prescribe, not to exceed the amount heretofore paid the agent of the State for the collection of Cherokee bonds. Payment.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall be in force thirty days after its ratification. Repeal.
When in force.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXXXVIII.

AN ACT FOR THE RELIEF OF THE SURETIES OF THE LATE WILLIAM A. WALTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sureties on the official bond of the late William A. Walton, as sheriff of Rowan county, be and they are hereby authorized to collect all arrearages of taxes for the years one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, under the same rules and regulations as are now prescribed for the regular collection of taxes, and the power and authority hereby granted shall cease on the first day of July, one thousand eight hundred and seventy-four. Sureties authorized
to collect taxes.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXXXIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MARTIN COUNTY
TO SELL OR LEASE CERTAIN LANDS.

Commissioners
may sell lands.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Martin county be invested with full power and authority to sell or lease all or any part of the tract of land whereon the poor house is now situated.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 9th day of February, A. D. 1874.

CHAPTER XC.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-TWO,
SECTION TWENTY-SEVEN, LAWS OF ONE THOUSAND EIGHT
HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT
HUNDRED AND SIXTY-NINE, IN REGARD TO PROCEEDINGS BY
PARTY COMMITTED IN CASES OF BASTARDY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact,* That chapter one hundred and sixty-two, section twenty-seven of laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended by striking out in line one, of said section, the word "sixty" and inserting in lieu thereof the word "twenty."

When in force.]

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 9th day of February, A. D. 1874.

CHAPTER XCI.

AN ACT TO AMEND THE CHARTER OF THE NORTH CAROLINA RAILROAD COMPANY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

SECTION 1. *The General Assembly of North Carolina do enact*, That the North Carolina Railroad Company, a corporation chartered by the General Assembly, session one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, is hereby authorized to construct and make, or to purchase, hold and complete the construction of a railway from Salisbury to or near the line of division between this State and Tennessee, at or near Paint Rock, and to the Georgia and Tennessee line in the county of Cherokee. May purchase, lease &c.

SEC. 2. That the said North Carolina Railroad Company may purchase the Western North Carolina Railroad, or any one or all the divisions of the same, whether at judicial sale or any other sale that may be made thereof, and thenceforth may have, hold, possess and be entitled to the said railroad and all its contracts, franchises, rights, privileges and immunities, and all the property and estate of every description, real and personal belonging to the Western North Carolina Railroad Companies; and by such purchase the said company shall acquire all the rights, privileges and immunities conferred on the Western North Carolina Railroad Company by its charter, and all amendments made thereto. May purchase W. N. C. R. R.

SEC. 3. That said company may in like manner purchase the Atlantic and North Carolina Railroad, and thenceforth have, hold and possess the said railroad and its contracts, franchises, rights, privileges and immunities and all the property and estate of every description, real and personal, belonging to said Atlantic and North Carolina Railroad Company; and by such purchase, the said North Carolina Railroad Company shall acquire and succeed to and exercise May purchase A. and N. C. R. R.

all the rights, privileges and immunities conferred on the said Atlantic and North Carolina Railroad Company by its charter and amendments made thereto. The Governor of the State, in order to further and aid such sale and transfer, is authorized and empowered to transfer to the said North Carolina Railroad Company all the stock owned by the State in the said Atlantic and North Carolina Railroad Company; and until the transfer of the stock of said company is approved by the individual stockholders of said road, the Governor shall retain the right to appoint directors in the said Atlantic and North Carolina Railroad Company: *Provided*, That if the stock of the private stockholders in this road is purchased, the price given therefor shall not exceed the market value of said stock at the time when the purchase shall be made: *Provided further*, That the said Atlantic and North Carolina Railroad shall not constitute assets for the payment of the bonds heretofore issued by the State to build the North Carolina Railroad.

SEC 4. That the line of railway so purchased and acquired, shall become absorbed and merged into the said company, and the whole line shall be known by the name of the North Carolina Railroad Company.

SEC. 5. That said corporation, in case it shall become the purchaser of the Western North Carolina Railroad, is authorized to complete the construction of the said railroad and its divisions, and shall have the necessary powers for so doing; and for the purpose of raising money to accomplish the purposes of this act, the said North Carolina Railroad Company, may, at its option, make, execute and issue its bonds, payable with interest thereon, either in United States currency or gold, and in this country or any foreign country or State, and at any rate of interest it elects, not exceeding eight per cent. per annum, and for any amount not exceeding thirteen thousand dollars per mile of finished road, made or to be made, which bonds shall be signed by the president, countersigned by the directors, and attested by the secretary of the company, and sealed with its corporate seal, and be

Governor to make transfer.

Proviso.

Provided further, §

To be known as N. C. R. R. Co.

May issue bonds, &c.

wholly or partly in sums of five hundred dollars, or one thousand dollars each, with the usual half yearly interest coupons annexed; the principal and interest of said bonds to be made due and payable at such times and places, and in such manner, and to be sold at such times, places and prices as the directors may elect, the principal of said bonds to be payable in not less than ten nor more than twenty years, the sale to be made by M. E. Manly, W. A. Graham and R. F. Armfield, commissioners to sell and dispose of such bonds as may be issued in pursuance of the provisions of this act, and said company are hereby prohibited from ever resisting the payment thereof on the plea of usury. The proceeds arising from the sale of said bonds, and also from the sale of certificates of indebtedness herein authorized to be issued, may be applied to constructing, purchasing and repairing of the railroads to extend over the routes herein mentioned, for equipping the same, for discharging any indebtedness of said company and for purchasing any securities or liabilities which may embarrass the operations of said company: *Provided*, That said commissioners shall set apart out of the proceeds of the sales of said bonds, a sum of money not less than one million eight hundred thousand dollars, to be applied to the construction of said Western North Carolina Railroad from Old Fort by way of Asheville to Paint Rock, and to no other purpose.

Commissioners to
sell bonds.

SEC. 6. That to secure the payment of the bonds and other evidences of debt issued as aforesaid, and the interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be selected or agreed on, one of whom shall be the Governor of this State, the same to be signed by the president, countersigned by three directors and attested by the secretary of said corporation, conveying its railway, branches, franchises and property, including its road-bed, superstructure, equipment, choses in action, evidences of debt, and all its real and personal estate of whatever kind; and the said deeds and all other agreements the

Payment of bonds
secured.

said company may enter into, which by law requires registration, when duly executed, may be recorded in the register's office in the county of Wake, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatever, and shall give it priority and preference over all claims against said corporation; and it shall not be necessary to record or register the same in any other county, any law to the contrary notwithstanding: *Provided*, That the said mortgage shall contain as full and ample provisions in the matter of sale and foreclosure for the security of the bonds and coupons, or either, in case of default in the payment of one, or other, or both, as are contained in the deed of indenture or mortgage made the first day of November, one thousand eight hundred and sixty-seven, between the said North Carolina Railroad Company of the first part, and William A. Graham of the second part.

SEC. 7. That no public sale of said North Carolina Railroad Company, or any part thereof, or any of its franchises or rights, shall be made under the mortgage provided for in this act, until such sale shall have been advertised for six successive weeks in two newspapers in the city of Raleigh, of the greatest circulation.

SEC. 8. That the directors of the said company shall be authorized to purchase from the stockholders of the same any of the stock owned by them, and they are empowered and directed out of the first moneys arising from the sale of bonds or from any lease made or to be made, to purchase from the private stockholders or any of them who may desire to sell their stock or any part thereof, and to pay for the same at the rate of fifty dollars per share, and the stock so purchased shall become the property of the said company: *Provided*, That if any stockholder or stockholders of the said North Carolina Railroad Company, being such at the time of making such consolidation, agreement, contract or arrangement for the purchase, merging or other acquisition of any of the railroads contemplated by this act, shall be dissatisfied with the same or dissatisfied with the

Provided.

No sale under mortgage valid unless advertised.

Duty of directors.

Provided.

acceptance of this act by the stockholders, the said company shall pay to such dissatisfied stockholder or stockholders, the full value of his, her or their stock, to be assessed by three disinterested commissioners appointed for that purpose by the clerk of the Superior Court of the county in which such stockholder may reside, on the application of either party made upon twenty days' notice; but the said company shall not be compelled to pay for stock of any such dissatisfied stockholder or stockholders, unless he or they shall give written notice of such dissatisfaction to the president, secretary or treasurer of the company whose stock shall be held by him or them, within three months after such consolidation, agreement or other arrangement for the purchasing, merging or acquiring the railroads aforesaid, or after the acceptance of this act by the requisite number of stockholders: *Provided, further*, That the sale of any share or shares to the company, under the provisions of this act, by any executor, administrator, guardian, trustee or persons acting in a fiduciary capacity shall be valid in law.

Provided further

SEC. 9. That the said company shall have the power and authority to contract for prorating or for interchange of business traffic with any railroad company, doing or desiring a connection business, whether chartered by the laws of this State or any other State, upon such equitable terms as the directors may agree upon.

May contract with other companies.

SEC. 10. That if the commissioners, appointed by this act, to sell and dispose of the bonds, shall decline to act, resign or die, then the Governor shall appoint a sufficient number of commissioners to fill their places; but no person shall be a commissioner, director or general manager who has heretofore or may hereafter decline to testify before any committee, legislative or otherwise, or before any court of competent jurisdiction, in regard to any matter touching or growing out of his conduct while president, or director of any railroad, or while acting in any other public fiduciary capacity on the ground that if he were to testify he would criminate himself, or on any kindred or like grounds; or

When Governor to appoint commissioners under certain restrictions.

who has been convicted of embezzlement ; or who has failed to return to the treasury any special tax bonds as required by law ; and the bonds shall only be sold in such amounts as shall be needed from time to time to carry out the provisions of this act, and shall at no time exceed the sum of five hundred thousand dollars over and above the actual amount due and paid.

Crime and punishment.

SEC. 11. That any director or officer of the said North Carolina Railroad Company, or other person entrusted with any of the bonds, certificates of indebtedness or other funds of the company, who shall be guilty of any wrongful appropriation, misapplication, malfeasance or other corrupt use of the same with intent to benefit himself and defraud the company, shall be guilty of a felony, and upon conviction thereof before any superior court of the State, shall be punished by a fine not less than ten thousand dollars, and by imprisonment in the penitentiary not less than ten years, and shall further be guilty of embezzlement.

First and second series of bonds.

SEC. 12. That the bonds authorized by this act to be issued, and the mortgage made to secure the same may be divided into two series or classes : The first series or class shall be on all of that portion of the finished road, the said company now owns or may hereafter own between Morehead and Paint Rock : The second series or class shall be on the other roads it may construct, and acquire and own.

Governor to remove when necessary any director appointed by him.

SEC. 13. That the Governor shall have power to remove, for causes which he may deem sufficient, any directors appointed by him, and shall have power to fill the vacancy, and shall report to the next session of the General Assembly any action taken by him in the matter of removals.

May change location.

SEC. 14. That the directors of said company shall have the power to change the location of any of the lines their said company may purchase : *Provided*, That the line of railroad, in Catawba county, running from its main line to Newton, shall not be changed until the main line shall have been constructed to within one mile and a quarter from the court house in said town of Newton.

Proviso.

SEC. 15. That immediately after the sale of the first mortgage bonds under this act, the said North Carolina Railroad Company shall commence work on the line of the road between Old Fort and Paint Rock, and continue the work thereon without intermission, until the work is completed between said points ; and immediately thereafter it shall be the duty of the said company to commence work on the line between Asheville and the Georgia and Tennessee line, in Cherokee county, and continue the work thereon until the said line is completed ; and to enable said company to carry on and continue said work, it is hereby made the duty of the commissioners named in this act, to reserve from the proceeds of the sale of said lands a sum of money not less than seven hundred and fifty thousand dollars in cash, to be applied only in the construction of the said line between Asheville and the Georgia and Tennessee line, in Cherokee county ; and all moneys raised on any bonds issued on any part of the line west of Asheville, shall be set apart by said commissioners to be applied exclusively on the line between Asheville and the Georgia and Tennessee line, in Cherokee county.

When work to commence between Old Fort and Paint Rock.

\$750,000 applied to construction below Asheville Georgia and Tennessee line.

SEC. 16. That immediately after the passage and ratification of this act it shall be the duty of the Governor to call a meeting of the stockholders of the said North Carolina Railroad Company, and submit this act and amendment of charter for their acceptance or rejection, and if a majority of the stock so represented shall vote to accept the same, it shall become a part of their charter.

Governor to call meeting.

SEC. 17. That all laws and clauses of laws coming in conflict with any of the provisions of this act, be and the same are hereby repealed.

Repeal

SEC. 18. This act shall take effect and be in force from and after its ratification.

When in force.

Ratified this 10th day of February, A. D. 1874.

CHAPTER XCII.

AN ACT TO LAY OFF AND ESTABLISH A PUBLIC ROAD IN THE COUNTIES OF DAVIDSON AND DAVIE, AND TO ESTABLISH A PUBLIC FERRY ACROSS THE YADKIN RIVER.

Kessler and Swicegood authorized to establish a ferry.

SECTION. 1. *The General Assembly of North Carolina do enact*, That Alfred Kessler, of Davidson county, and G. W. Swicegood, of the county of Davie, their heirs and assigns are hereby authorized to establish a ferry across the Yadkin river at or near "Boon's Ford," on said river.

SEC. 2. That the right to establish and keep up said ferry, shall be and is hereby vested in the said Alfred Kessler and G. W. Swicegood, their heirs and assigns during the full end and term of twenty years.

Tolls.

SEC. 3. That it shall be lawful for the said Kessler and Swicegood, their heirs and assigns to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated by the commissioners of the county of Davie.

Appointment of commissioners.

SEC. 4. That the commissioners of the counties of Davie and Davidson are authorized and required to appoint the commissioners in each of said counties to lay off a public road from the Paint road in Davie county, crossing at Boon's Ford, and intersecting at the nearest accessible point with a good wagon road in Davidson county, passing near said ford.

Damages.

SEC. 5. That the said commissioners, or a majority of them, after having been first sworn before some justice of the peace of one of said counties, shall assess the damage that ought to be paid any person or persons over whose land said road may pass, and shall make due return of their proceedings to the commissioners of Davie and Davidson counties, at their first meeting after the ratification of this act; and upon return of said road commissioners it shall be the duty of the said county commissioners of each of said counties to cause to be paid to the owners of the land so condemned, in their respective counties, such sum or sums as may be assessed by the commissioners aforesaid.

SEC. 6. That after said road shall have been laid off and established as heretofore provided it shall be the duty of the commissioners of the counties of Davie and Davidson to appoint overseers and hands for the working and keeping up of said road as other public roads are required by law to be kept up. Overseers.

SEC. 7. That this act shall be in force from and after its ratification. When in force.

Ratified this 10th day of February, A. D. 1874.

CHAPTER XCIII.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF SWAIN, GRAHAM AND MACON.

SECTION 1. *The General Assembly of North Carolina do enact,* That the line between the counties of Swain, Graham and Macon shall be changed as follows: beginning on the beginning corner of Swain near the head of the Big Meadows; thence with said Swain line down the mountain to Nantihala river; thence down the river to the mouth of the Hand Pole branch; thence up said branch to where it forks, and with the North Fork of said branch to its head; and thence with the old original lines between Macon and Cherokee back to the beginning so as to include the boundary, where Jeff. George now lives. Dividing line changed.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 10th day of February, A. D. 1874.

CHAPTER XCIV.

AN ACT TO ESTABLISH A TURNPIKE ROAD FROM THE TOWN OF WINSTON VIA YADKINVILLE TO THE TOWN OF WILKESBOROUGH.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of laying out and establishing a turnpike road from the town of Winston, in the county of Forsythe, through the county of Yadkin, by the way of Yadkinville, to the town of Wilkesborough, in the county of Wilkes, the county commissioners of each county through which the road passes are hereby empowered and required to appoint a board of directors consisting of three competent men, whose duty, immediately after their appointment, shall be to organize by electing one of their number chairman of the board, which board, after being so organized, shall have full power to supervise and construct said turnpike road.

SEC. 2. That it shall be the duty of said board of directors, for each county through which said road passes, to employ a competent and skillful surveyor and two commissioners to survey and locate said road, who shall first take an oath before some magistrate, in the county in which they are employed, faithfully to discharge their duty so as to promote the best interest of the road, with as little damage to the persons through whose land it passes as possible. That said road shall be twenty feet wide, clear of stumps and runners, and in no part of the road shall the grade rise more than one foot in sixteen. That said road shall be located on the road bed of the present, best and most direct road leading from the town of Winston, by the way of the town of Yadkinville, to the town of Wilkesborough whenever it is convenient and practicable.

SEC. 3. That if the owner of any land, through which said road shall pass, shall consider himself or themselves injured thereby, it shall be competent for such person or

Commissioners to
appoint directors.

Duty of directors.

Complaints.

persons by petition to the county commissioners of the county in which the damage is done, praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the commissioners to order such jury to be summoned as in case of such public roads, and it shall the duty of the jury to take into consideration the advantage to the land as well as the injury done by the making of said road, and on report of the jury made to and confirmed by the commissioners, the damage shall be paid out of any fund hereinafter provided for.

SEC. 4. That for the purpose of enabling the board of directors above provided for to construct said road, said board of directors are hereby authorized and empowered to make a requisition upon the commissioners of their several counties for all the convicts sentenced to the penitentiary, confined in the jails of each county for a term of two years and under, which convicts shall be put to work by said directors on said road, and it shall be the duty of said directors to employ a faithful and energetic overseer or overseers whose duty shall be to oversee said convicts, and keep them industriously employed. That in order to make said overseer to control and prevent said convicts from making their escape, said overseer is hereby authorized and empowered to confine said convicts together with chain or if need be with ball and chain: *Provided, however,* That his treatment of them shall in all other respect be kind and humane and shall conform strictly to all the rules and regulations of the government and management of convicts in the State Penitentiary. That the jailor of each county shall furnish to said convicts the same kind and amount of provisions as is furnished to convicts in the State Penitentiary, to be delivered to the overseer of the convicts in such way and manner as may be prescribed by the board of directors.

SEC. 5. That for the purposes of raising necessary funds for the completion of said road it shall be the duty of the county commissioners of each county to appoint suitable persons at as many places in each county as they may deem

Contracts.

Provided.

Jailor to furnish convicts.

Books of subscription.

necessary to open books of subscription and to solicit and receive whatever amounts any person or persons may subscribe and pay for said purpose, and as soon as one hundred dollars shall be subscribed and collected in each county and paid over to the chairman of the board of county commissioners, said chairman shall notify the board of directors of the receipt of said money, upon which notice said board of directors shall proceed at once to employ a surveyor and commissioners in each county as above mentioned, on as reasonable terms as practicable, and purchase the necessary implements for the use of the convicts in the performance of the work on the road, and also to employ an overseer or overseers as provided for in section four of this act. That as soon as the survey has been made said overseer or overseers shall take charge of said convicts and begin the work: *Provided, however,* That the county commissioners may stop the work for a time whenever in their judgment the number of convicts shall be so small that their labor will not defray the expense of keeping the overseer employed, and resume the work again so soon as a sufficient number of convicts be imprisoned; and upon the warrant of the chairman of the board of directors, the chairman of the board of commissioners is hereby authorized and empowered to pay the expenses of the survey, the purchase of the implements and the wages of the overseer at the end of every month, out of the funds placed in his hands for that purpose.

Provided.

If impracticable to use convict labor subscriptions may be made.

SEC. 6. That in case the county commissioners of the several counties named in section one of this act, or a majority of them, deem it impracticable to construct said road by convict labor, then they may construct said road altogether by subscription under the provisions of this act.

County public road.

SEC. 7. That said turnpike road when completed shall be deemed and taken to be a county public road, and shall be kept up as other county public roads are kept up.

When in force.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this 10th day of February, A. D., 1874.

CHAPTER XCV.

AN ACT TO AUTHORIZE THE TOWN OF HICKORY IN THE COUNTY OF CATAWBA TO ISSUE BONDS FOR THE PURPOSE OF AIDING THE CAROLINA CENTRAL RAILWAY IN EXTENDING THEIR ROAD AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purposes hereinafter mentioned, A. L. Shuford, M. L. Cline, H. A. Shuford and J. H. Burns, who shall add three other citizens of Hickory to their number, (constituting seven in all) be and they are hereby constituted a board of commissioners to provide ways and means for raising funds for the purpose of aiding the Carolina Central Railway Company, or any other company in extending their road from Lincolnton or any other point on the Carolina Central Railway, to the Western North Carolina Railroad Depot at Hickory, on such terms and conditions as may be agreed upon by the board of commissioners and the Carolina Central Railway Company, or any other Company.

Board of commissioners.

SEC. 2. The commissioners or a majority of them herein provided for, may at any time within one year from the ratification of this act meet and organize, by electing a chairman, Secretary and Treasurer from their number, who shall keep a correct minute of the proceedings from date of their first organization in a good book procured for them by the board of town commissioners at the expense of the town.

Organization.

SEC. 3. The Secretary and Treasurer shall not be deprived of his right to vote as one of the board of commissioners, by reason of his acting as Secretary and Treasurer.

Vote.

SEC. 4. The board of commissioners may at any time within twelve months after their first organization, and once every year thereafter for five consecutive years, by request, require the town commissioners of Hickory to order an election, after giving twenty days notice within the corporate limits of said town, for the purpose of ascertaining whether

Elections.

a majority of the qualified voters therein will vote for creating a debt for said purpose.

SEC. 5. The question of "issue" or "no issue" shall be submitted by the town commissioners as follows, to-wit: Those voting for the taxation or issue of bonds shall vote upon a written or printed ticket "Railroad," and those voting against the tax or issue of bonds shall vote "no railroad." All persons residing in the town thirty days previous to the election, and are qualified voters in other respects, shall be entitled to vote in these elections.

SEC. 6. After said elections or any one of them, if it be ascertained that a majority of votes cast have been in favor of "railroad," then it shall be the duty of said commissioners within sixty days after said election to take and subscribe an oath to faithfully and honestly discharge their duties as commissioners of said board before the Judge of Probate of the county of Catawba, and the said Judge of Probate shall make a minute of the commission, their names, &c., and file the same together with a copy of said oath, in his office. It shall also be the duty of the board of town commissioners to keep a record of the vote or votes cast under this act in their office, and also to furnish the Secretary and Treasurer of this commission, and the Judge of Probate each with a copy of the votes cast, who shall keep a record of the same in their respective offices.

SEC. 7. The Secretary and Treasurer shall take and subscribe an oath for the faithful performance of his duties as Secretary and Treasurer before the Judge of Probate, which shall also be filed in his office, and a copy shall be recorded in the book kept by the Secretary and Treasurer of this board of commissioners. The Secretary and Treasurer shall be required to give a bond with approved security for double the amount of money that may likely come into his hands in any one year, which bond shall be filed in the office of the Mayor of the town of Hickory.

SEC. 8. The commissioners shall have power to fill all vacancies that may occur in their body by refusing to serve,

Oath of commissioners.

Oath of Secretary.

Vacancies.

by death, resignation or otherwise, and five commissioners shall constitute a quorum, one of whom shall be the chairman, for the transaction of business: *Provided*, That in case the chairman wilfully refuses to attend the meetings and discharge his duties as such, the board may elect a chairman in his stead. The board may make all necessary by-laws for their better government

SEC. 9. That after the board of commissioners are fully organized by qualifying, &c., and after the election ratifying the "railroad," as herein provided, then the board of commissioners herein appointed, or their successors, shall be authorized to issue coupon bonds, not to exceed in amount the sum of twenty-five thousand (\$25,000) dollars, in denominations of twenty-five, fifty and one hundred dollars, which said bonds shall not bear interest at a greater rate than eight per cent. Bonds.

SEC. 10. That it shall not be lawful for said board of commissioners to negotiate said bonds for any other purpose than that of aiding the construction of some one of said railroads. Unlawful to negotiate bonds for any other purpose.

SEC. 11. That said bonds shall be made payable at the expiration of twenty-five years from the date thereof: *Provided*, nevertheless, That said bonds may, in the discretion of the board, be divided into five classes; each class may comprise five thousand dollars of said bonds, and that the said board of commissioners shall have power to redeem said classes as follows, to-wit: The first class after the expiration of five years from the date thereof; the second class after the expiration of ten years from the date thereof; the third class after the expiration of fifteen years from the date thereof; the fourth class after the expiration of twenty years from the date thereof; and the fifth class after the expiration of twenty-five years from the date thereof, and that the said several bonds shall distinctly set forth on their respective faces the manner in which they are payable: *Provided*, That all individual subscriptions of stock to the Carolina Central Railway, or any other railroad either in Bonds to run twenty-five years.

said corporate limits or in the counties of Catawba and Lincoln, may be made through and managed by said board of commissioners.

Principal and interest. SEC. 12. That for the purpose of paying the interest and principal of said bonds, said board of commissioners shall notify the town board of commissioners of the amount of money required annually for that purpose, and it shall be the duty of the town board to levy, collect and pay over to the secretary and treasurer of this board of commissioners said amount to be used in discharging said indebtedness, as provided for under this act: *Provided*, That the commissioners herein appointed, or their successors, may borrow from the town board of commissioners any surplus funds in their hands belonging to the town, or may negotiate through their chairman their bonds with the town commissioners, on such terms as may be agreed upon between the respective boards of commissioners: *Provided further*, That the chairman of the board shall negotiate the sale of bonds and for such purpose shall sign his name "President Board of Commissioners:" *Provided further*, That the bonds shall also be countersigned by the secretary and treasurer.

Provided.

Provided.

Provided.

SEC. 13. In case the town of Hickory should at any time be without a legal board of commissioners, then and in that case the county commissioners or county authorities may be notified by this board of commissioners or any creditor or bondholder of the amount required for said purposes; and it shall be the duty of said county authorities to order the amount to be levied and collected under the supervision of the sheriff of Catawba county off of all polls, property, &c., &c., in said corporate limits as are taxable by law.

Stock subscribed. SEC. 14. The stock subscribed to any railroad under the provisions of this act shall be the sole property of the town, and all its profits shall accrue to the use of the town only.

Right of way. SEC. 15. The route and right of way of said railway between Lincolnton or any other point on the Carolina Central Railway to the Western [North Carolina Railroad

Depot at Hickory shall be provided for in the same way as is now provided for in other railroad charters.

SEC. 16. The board of commissioners herein appointed or their successors, shall continue in existence until said debt, if contracted, is discharged unless otherwise relieved by an act of the General Assembly. Existence of board.

SEC. 17. The board of town commissioners may allow the commissioners herein appointed, or their successors, such compensation for their services as they may deem just and right: *Provided*, That the actual expenses of the commissioners in procuring bonds and other necessary expenses shall be paid out of the proceeds of the sale of bonds, or by the town treasurer out of any funds that may be in his hands: *Provided further*, That the board, through their secretary, shall make annual reports of all its transactions, receipts and disbursements to the town board of commissioners, who shall keep a record of the same. Compensation.
Provided.
Provided further.

SEC. 18. That the first election for "railroad" under the provisions of this act shall not be had until after the first Monday in May, one thousand eight hundred and seventy-four, at which time the act passed at the present session of the Legislature incorporating the town of Hickory, in the county of Catawba, shall go into force and effect. Elections.

SEC. 19. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Repealing.

SEC. 20. That an act ratified the twenty-second day of December, one thousand eight hundred and seventy-three, purporting to be for the purposes herein mentioned, is hereby repealed and shall not be published in the book of laws.

SEC. 21. That this act shall go into full force and effect from and after its ratification: *Provided*, That the issue of bonds shall not be made until authorized by a majority of the votes cast at some one of said elections. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER XCVI.

AN ACT TO PROVIDE FOR AND FURNISH ARMS TO MILITARY SCHOOLS.

Duty of Adjutant General.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the Adjutant General, under the direction of the Governor, whenever the next quota of arms is drawn for this State, to draw if practicable, two hundred and forty breech loading Springfield rifle muskets, and the accoutrements therefor, for the use of the military schools of this State.

Arms kept in Arsenal.

SEC. 2. That the said arms shall be kept in the arsenal at Raleigh, and upon the application of the principal of any military school setting forth the number of students and the number of arms required, and giving the bond, as now required by law, it shall be the duty of the Adjutant General, under the direction of the Governor, to issue the number so required, and take the receipt from the principal, which shall be filed as similar receipts are now filed.

Failure to draw.

SEC. 3. That should the Adjutant General, under the direction of the Governor, fail to draw the arms specified, then it shall be his duty upon application as aforesaid, to issue to said principal or principals any arms which may now be in the said arsenal.

To exchange muzzle loading muskets.

SEC. 4. That the Adjutant General, under the direction of the Governor of the State, be and he is hereby empowered and directed to exchange the muzzle loading arms now on hand to the number of two hundred for the same number of the breech loading Springfield regulation arms now in use or adopted for the use of the army of the United States, at a difference not to exceed three dollars per stand, and if the exchange cannot be made on these terms, then he shall exchange such number of muzzle loaders for two hundred and fifty of breech loaders of the above description as may be necessary to do in order to get the number of breech

loaders as aforesaid, and shall issue the breech loaders so obtained to the military schools of the State upon requisition, and such security as will insure the interest of the State.

SEC. 5. All laws or parts of laws in conflict with this act are hereby repealed. Repeal.

SEC. 6. This act shall take effect from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER XCVII.

AN ACT TO ALLOW THE COMMISSIONERS OF DUPLIN COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of Duplin county may levy and collect a special tax for the year one thousand eight hundred and seventy four in the same manner as other taxes are levied and collected, not to exceed the amount of three thousand dollars, and to be applied under the directions of the said commissioners, of said county of Duplin, to the payment of the costs and charges of certain criminal prosecutions removed from the county of Duplin and tried in the county of New Hanover. Special tax authorized.

SEC. 2. That no tax shall be collected under this act until the same shall have been ratified by a majority of the qualified voters of said county, voting at an election to be held under the directions of the county commissioners: *Provided,* That in levying said tax the constitutional equation between the poll and property shall be observed. When tax to be collected.

SEC. 3. That this act shall be in force from and after its ratification. Providso.

Ratified this 11th day of February, A. D. 1874. When in force.

CHAPTER XCVIII.

AN ACT GIVING THE SUPERIOR COURT OF MARTIN COUNTY CONCURRENT JURISDICTION WITH BERTIE COUNTY OVER MISDEMEANORS COMMITTED ON CONINE ISLAND IN BERTIE COUNTY.

Concurrent jurisdiction.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Superior Court of Martin county be and the same is hereby invested with concurrent jurisdiction with Bertie county to try and punish all persons for any misdemeanor committed on the territory known as the Conine Island in Bertie county.

Boundaries.

SEC. 2. Said island is bounded as follows, viz: Beginning at the mouth of Conine Creek, on the Roanoke river, and running up the various courses of said creek to Sandy creek, thence up said Sandy creek to the Roanoke river, thence down said river to the beginning.

When in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 11th day of February, A. D. 1874.

CHAPTER XCIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SAMPSON COUNTY TO LEVY A SPECIAL TAX.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Sampson county are hereby authorized to levy a special tax, not to exceed ten cents on the one hundred dollars worth of real and personal property and thirty cents on each poll, for the purpose of paying the indebtedness of said county.

SEC. 2. That the said tax shall be laid, collected and accounted for in the same way and at the same time as other tax for the year one thousand eight hundred and seventy-four. How collected.

SEC. 3. That this act shall be in force from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER C.

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY REGULATING THE TIMES OF HOLDING THE SUPERIOR COURTS OF THE FOURTH JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact,* That the act passed at the present session of the General Assembly entitled an act regulating the times of holding the terms of the Superior Court of the fourth judicial district, and for other purposes, be and the same is so amended as to read after the words "New Hanover county" in the first section down to the words "unless the business be sooner disposed of," as follows: There shall be four terms of the Superior Court of the county and the time for holding said terms shall be on the second Monday in January and the tenth Monday after the second Monday in February, the fourth Monday in June and the tenth Monday after the second Monday in August. The terms of the court which may be held on the second Monday in January in each year may be continued in session for a period of four weeks. Amendment.

SEC. 2. That this act shall be in force from and after the first day of July, Anno Domini one thousand eight hundred and seventy-four. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER CI.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-FIVE,
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT
AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following shall be added to section one (1) chapter one hundred and seventy-five of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, to-wit: *Provided*, That so much of this section as requires the drawing of a jury for the second week of the said courts shall not apply to the twelfth judicial district.

Proviso.

When in force

SEC. 2. This act shall take effect from its ratification.
Ratified this 11th day of February, A. D. 1874.

CHAPTER CII.

AN ACT TO SECURE A BETTER DRAINAGE OF THE LOW LANDS ON
CLARKE'S CREEK AND MAIDEN'S CREEK IN THE COUNTIES OF
LINCOLN AND CATAWBA.

Commissioners.

SECTION 1. *The General Assembly of North Carolina do enact*, That L. E. Thompson, Emanuel Poovey, Michael Finger, and William McCeslin, in the county of Lincoln, and John Hillian, Sr., Joseph H. Bost, Caleb Rhodes and Robert Reinhardt, in the county of Catawba, for Clarke's Creek, and Wilbern Boyd, and H. A. Forney, in the county of Catawba, for Maiden's Creek, be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off said creeks in the counties of Lincoln and Catawba, from the bridge on Clarke's creek near James A. Caldwell's in Lin-

coln county to a point at or near the Newton road, leading to the Sandy Ford, and also from the mouth of Maiden's creek to Boyd's mill, in Catawba county, into sections of convenient length, and for each section shall appoint one overseer who shall be a land owner in the section for which he is appointed, and shall hold his office for the term of ten years.

SEC. 2. That a majority of said commissioners in their respective counties shall have power to elect one of their own number chairman and may fill vacancies in their own number or that of overseers, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners in their respective counties shall on application being made appoint commissioners and overseers for the purposes herein mentioned. Chairman.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land owner in their respective counties, and shall furnish each overseer with a copy of the estimate for his section, and said land owners when required, after five days notice by the overseer, shall furnish one hand with appropriate tools for each twenty-five acres of bottom land so estimated, and on failing to do so, shall forfeit and pay two dollars for each failure, which may be recovered by said overseer by warrant as in cases of failure to work on public roads; and it shall be the duty of each overseer with the hands so provided to work not less than four, nor more than twenty-four days at the discretion of the commissioners, in each and every year, on the channel of said creek with power to straighten the same when necessary, within the bounds of their respective sections, removing obstructions and improving the banks thereof, under such directions as said commissioners may prescribe. Commissioners to estimate number of acres.

SEC. 4. That any person or persons who shall wilfully and knowingly fell timber, or otherwise obstruct the waters in the channel of said creek, between said points of said boundary, in said counties, and shall permit the same to re- Misdemeanor.

main therein for the space of twenty days, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined not less than ten, and not more than twenty dollars: *Provided*, That if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed, before a presentment is made of the same, he or they shall not be liable to indictment for said offence: *Provided further*, That on conviction the imprisonment shall not be more than one month at the discretion of the court.

Proviso.

Moneys arising from failure.

SEC. 5. That all moneys arising from failure to work on said creeks, and all penalties collected under the provisions of said act shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said creek; and any overseer failing or neglecting to perform the duties required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not more than twenty dollars, nor imprisoned more than thirty days, or both at the discretion of the court: *Provided*, That no person shall be required, without his consent, to serve as an overseer, more than one term of two years at any one time.

Proviso.

Public bridges.

SEC. 6. That nothing contained in this act shall prevent the building of public bridges on public roads across said streams, or private bridges and water gates by the land owners for their own convenience.

Exemptions.

SEC. 7. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public road.

When in force.

SEC. 8. That this act shall be in force from and after the first day of April, one thousand eight hundred and seventy-four.

Ratified this 12th day of February, A. D. 1874.

CHAPTER CIII.

AN ACT TO PREVENT THE SELLING OR GIVING AWAY INTOXICATING LIQUORS WITHIN TWO MILES OF TURKEY CREEK CAMP GROUND, IN BUNCOMBE COUNTY, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell or give away any intoxicating liquors within two miles of Turkey Creek Camp Ground, in Buncombe county, during the holding of any camp meeting or quarterly meeting at that place, and that it shall be unlawful for any person or persons to sell from their huckster wagons any of their articles within one-half mile of said camp ground during the holding of any camp meeting or quarterly meeting; any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction before any justice of the peace, shall be fined not more than ten nor less than three dollars at the discretion of the court.

Sale unlawful within two miles.

SEC. 2. That this act shall be in force from its ratification. Ratified this 12th day of February, A. D. 1874.

When in force.

CHAPTER CIV.

AN ACT IN RELATION TO TAKING OR SHOOTING MOUNTAIN TROUT IN THE WATERS OF ELK RIVER AND ITS TRIBUTARIES IN THE COUNTIES OF MITCHELL AND WATAUGA.

SECTION 1. *The General Assembly of North Carolina do enact*, That from and after the first day of April, one thousand eight hundred and seventy-four, there shall be no taking of mountain trout by shooting or otherwise from the first

Unlawful within certain days.

day of October until the first day of January following, in the waters of Elk river and its tributaries.

Unlawful to seine. SEC. 2. That it shall be unlawful to catch said fish in said river and tributaries by seining at all times.

Misdemeanor. SEC. 3. Any person violating the provisions of this act shall be considered guilty of a misdemeanor, and on conviction, shall be fined and imprisoned at the discretion of the court.

Informants. SEC. 4. Any person informing of parties violating this act shall, on conviction of the party, receive one-half of the fine, the other half to go to the support of the poor of the counties.

When in force. SEC. 5. That this act shall be in force from and after the first day of April, one thousand eight hundred and seventy-four.

Ratified this 12th day of February, A. D. 1874.

CHAPTER CV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-THREE, LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendment. SECTION 1. *The General Assembly of North Carolina do enact*, That section seven, of chapter one hundred and ninety-three, be amended by adding to the said section the following proviso: *Provided*, That nothing in this act shall be construed to require the erection of a fence along the State line.

Section 9 added. SEC. 2. Add after section eight the following, as an additional section: Section nine. It shall not be lawful for any person to hunt with horses, dogs or guns through any cultivated fields subject to this act, after having been forbidden

to do so, or leave open any gate or pull down and leave it so remaining, any boundary fence, or wilfully and wantonly to destroy or injure the same, and any person so doing shall be guilty of a misdemeanor, and upon conviction, subject to the pains and penalties of section three of said act, and likewise to double damage at the suit of the person injured. Damages.

SEC. 3. That this act be in force from and after its ratification. When in force.

Ratified this 12th day of February, A. D. 1874.

CHAPTER CVI.

AN ACT TO REPEAL SECTION NINETEEN, CHAPTER ONE HUNDRED AND TWELVE, BATTLE'S REVISAL, AND TO AMEND SAID CHAPTER.

SECTION 1. *The General Assembly of North Carolina do enact*, That section nineteen of chapter one hundred and twelve of Battle's Revisal, which reads as follows, be and the same is hereby repealed. "The board of trustees shall have power to lay and collect all taxes, which may be required to defray the necessary expenses of the township, and the township constable shall collect all taxes so laid and assessed." Amendment to section 19 chapter 112.

SEC. 2. *Be it further enacted*, That the board of trustees of the several townships in this State shall have no power to levy and collect taxes required to defray necessary expenses of the township, and that said necessary expenses shall be paid as hereinafter provided. Trustees.

SEC. 3. *Be it further enacted*, That all township officers performing services for which compensation is allowed, which is proper to be paid by taxation, shall render an account on oath to the county commissioners of the respective counties, which account shall be examined, and audited by Officers.

said commissioners, and if said charges shall not exceed the fees allowed by law, and the per diem charged shall not be for a longer time than necessary for the service rendered, and in all things be found correct, said commissioners shall order the collection of sufficient taxes from said township to pay the same, *Provided*, That said county commissioners shall have power to deduct from said account any excesss of per diem or other charges exceeding the fee allowed by law.

Proviso.

When in force.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D., 1874.

CHAPTER CVII.

AN ACT TO AMEND CHAPTER TWENTY-SEVEN BATTLE'S REVISAL,
ENTITLED COUNTIES AND COUNTY COMMISSIONERS.

Compensation.

SECTION 1. *The General Assembly of North Carolina do enact*, That the finance committee provided for in chapter twenty-seven, Battle's Revisal, shall receive such compensation for the performance of their duties imposed by said chapter as the county commissioners may allow, not exceeding two dollars per day, and shall not receive pay for exceeding ten days in any one year.

Repeal.

SEC. 2. That section twenty-six of said act be and the same is hereby repealed.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of February, A. D., 1874.

CHAPTER CVIII.

AN ACT TO LEGALIZE THE ACTS OF THE COMMISSIONERS OF
WATAUGA COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the action of the county commissioners of Watauga county, in building the court house on a lot in said town other than the one on which the old one stood when it was burned is hereby made legal. Legalized.

SEC. 2. This act shall be in force from its ratification. When in force
Ratified this 12th day of February, A. D. 1874.

CHAPTER CIX.

AN ACT TO AMEND CHAPTER NINETY, LAWS OF ONE THOUSAND
EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND
EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact*, That all acts, rules and regulations heretofore adopted by the State Board of Education in relation to free public schools be and the same are hereby repealed. Repeal.

SEC. 2. That section thirty, of chapter ninety, of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three be amended by adding after the words "of each county," in line sixteen, the words "and furnish the county treasurer with the amounts thus apportioned among the several school districts, and the amount that each district is entitled to." Amendment to section 30.

SEC. 3. That the word "July" in section thirty-eight, of chapter ninety, public laws of one thousand eight hundred Amendment to section 39.

and seventy-two and one thousand eight hundred and seventy-three, be stricken out and "October" inserted therefor.

When in force

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER CX.

AN ACT TO AMEND AN ACT CHARTERING THE JAMESVILLE AND WASHINGTON RAILROAD AND LUMBER COMPANY.

Subscription to stock.

SECTION 1. *The General Assembly of North Carolina do enact*, That this company is hereby authorized to subscribe or own stock or other securities of navigation companies or railroad companies, manufacturing or other companies whatsoever, public or private, intended to develop trade or traffic, by land or water, also to construct, build or supply materials, implements, or machinery, and contract with any company, public or private; that it may be lawful for them so to do upon such terms and conditions as may be agreed upon between the parties respectively. Also to guarantee bonds, or other obligations of other companies, private or public, that now exist, to have power to invest, to make purchases, and sales of investments in the bonds and securities of other companies, to make advances of money or credit to other companies, and to aid in like manner contractors and manufacturers and to receive and to hold on deposit or as collateral or otherwise any estate or property real or personal, including the notes, obligations, accounts of individuals and companies, and the same to purchase, collect, adjust and settle, and also to pledge, to sell and dispose thereof, on such terms as may be agreed upon between them and the parties contracting with them. To assume, to become responsible for, and to execute and to carry out any contract, lease or

sub-lease made by any company to or with any othe company or individual or firm whatsoever, and to have power to change the name and style of this company and by any new name thus adopted by filing with the secretary of the commonwealth a truly certified certificate. The said company shall have, hold and enjoy all the rights and immunities hereby granted and shall have power, by vote of majority, to dispose or sell railroad to any other company, and may do all singular the matters and things which to them may appear best for the well being of the said company: *Provided*, That no banking privileges are hereby intended. File certificate.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 12th day of February, A. D. 1874.

CHAPTER CXI.

AN ACT TO APPOINT COMMISSIONERS TO LAY OFF AND IMPROVE
THE PUBLIC ROAD LEADING FROM WILKESBORO', IN WILKES
COUNTY, TO TAYLORSVILLE, IN ALEXANDER COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That R. F. Hackett, Richard L. Hicks, and William H. Hubbard, of the county of Wilkes, and A. C. McIntosh, Wesley Laws and Sion H. Rogers, of the county of Alexander, be and they are hereby appointed commissioners to view and lay off such alterations and improvements in the road leading from the town of Wilkesboro', in the county of Wilkes, to the town of Taylorsville, in the county of Alexander, as they or a majority of them may deem advisable; and they shall locate and designate any alteration made in said road by stakes and marks, and they shall have power to assess to the owners of any land over which said road may be be changed or established, such damages as they may sustain Commissioners.

thereby, and they shall make a plot^s of said road and a particular and accurate description of the changes made in the same, and accurate statement of the damages assessed to each land holder, where a change in said road is made, all of which shall be in writing, signed and sealed, and reported to the county commissioners of the county in which the assessments are made, and when confirmed by said county commissioners said assessments shall be claims against the county in which the land lies, to be paid as other county claims now are.

Overseers of road.

SEC. 2. That the county commissioners of each county through which said road runs, shall appoint overseers to open and make said road, and to allot to each overseer the particular part of the road each overseer is to make, stating at what point or points said overseer or overseers to commence, and at what point or points said overseer or overseers are to stop; also giving the said overseers all the hands which are now by law liable to work on public roads who reside within three miles of said road—a compass line.

Overseers liable.

SEC. 3. That the said overseers of said road when appointed, as set forth in the second section of this act, shall be liable to and governed by all existing laws of the State governing services over public roads.

Commissioners to open road.

SEC. 4. That the county commissioners of each county through which said road runs, shall apportion the hands to open said road among the several overseers in the county in which they reside, and said hands when apportioned among said overseers, shall be liable to all the laws of the State now in force on the subject of opening and keeping up the public roads of the State.

Pay.

SEC. 5. That the commissioners appointed in the first section of this act, to lay off, alter and locate said road, shall each be allowed one dollar per day for the time they may be actually engaged in surveying and locating said road, to be advanced by the county commissioners of their respective counties, and be paid as other county claims now are.

Commissioners to locate road.

SEC. 6. That said commissioners shall locate said road, so

that no part of it shall be less than twenty feet wide, except where there shall be side cuttings, and in such places it shall be sixteen feet wide, and said commissioners shall take an oath before some justice of the peace to perform the duties herein required of them faithfully and impartially, and to the best interest of their respective counties.

SEC. 7. That the overseers appointed by virtue of section two of this act, shall have power to call out all the hands allotted to them to open and amend said road, at such times and for such length of time as will not materially conflict with the farming interests of said hands: *Provided*, That no person shall be required to work on said road more than fifteen days in any one year.

Term of appointment.

SEC. 8. That when said road provided for in this act has been altered and constructed as herein provided for, it shall be the duty of the township board of trustees, through whose township said road runs, to receive the same and to report to the county commissioners of their respective counties, that said road has been constructed according to law.

Duty of township board.

SEC. 9. This act shall be in force from and after its ratification.

When in force.

Ratified this 13th day of February, A. D., 1874.

CHAPTER CXII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF POLK COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Polk county are hereby authorized to levy a special tax, not to exceed two thousand dollars a year, for five years: *Provided*, That in levying said tax the constitutional equation between the poll and property be observed.

Special tax.

Proviso.

Rules for collecting, SEC. 2. That the said tax be collected under the same rules and regulations as other taxes are collected, and that claims against the county shall be received by the collecting officer in payment of the said tax when so tendered.

Tax how applied, SEC. 3. That the said tax shall be applied to the present indebtedness of the county, and not to any debt that may be created after the ratification of this act.

When to take effect, SEC. 4. That this act shall have no force or effect until it shall have been submitted and ratified by a majority of the qualified voters of said county at an election held under the direction of the commissioners of said county.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER CXIII.

AN ACT FOR THE BETTER PROTECTION OF SHEEP IN CHEROKEE, GRAHAM, SWAIN, JACKSON, TRANSYLVANIA, HAYWOOD, CLAY, HENDERSON AND BUNCOMBE COUNTIES.

Pay for each wolf killed, SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the counties of Cherokee, Graham, Swain, Jackson, Transylvania, Haywood, Clay, Henderson and Buncombe be, and the same are hereby authorized and empowered to pay for the scalp of each grown wolf killed in said counties, the sum of three, and for each young wolf scalp two dollars.

Claims audited, SEC. 2. That the chairman of said commissioners be and the same is hereby authorized to audit the claims of any person who may present a wolf scalp and make oath that he killed and took the same in Cherokee, Graham, Swain, Jackson, Transylvania, Haywood, Clay, Henderson or Buncombe county for the amount as above, which shall be paid

by the county treasurer, or receivable in payment of county taxes.

SEC. 3. That this act shall be in force from and after its ratification. When in force.

Ratified the 13th day of February, A. D. 1874.

CHAPTER CXIV.

AN ACT TO AMEND AN ACT TO AMEND THE CHARTER OF THE
NEW RIVER CANAL COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That “an act to amend the charter of the New River Canal Company” ratified the twenty-fourth day of January, one thousand eight hundred and seventy-four be amended as follows, to-wit: In second line, section twenty-two, strike out “an” and insert “any:” In section twenty-five strike out “three hundred” and insert “three thousand.” Amendment.

Sec. 2. That this act shall take effect from and after its ratification. When in force.

Ratified the 13th day of February, A. D. 1874.

CHAPTER CXV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO SELL THE PRESENT JAIL LOT AND TO PURCHASE ANOTHER.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Guilford be and they are hereby authorized and empowered to sell the present Commissioners authorized to sell jail lot.

jail site or lot of the county of Guilford, upon such terms as they may think proper, and to select and purchase another for the purpose of erecting and building a county jail thereon.

When in force.

SEC. 2. This act shall take effect from its ratification.

Ratified this 13th day of February, A. D., 1874.

CHAPTER CXVI.

AN ACT TO PRESCRIBE THE DUTIES OF THE CLERKS OF THE SUPERIOR COURTS AND THE JUSTICES OF THE PEACE IN RELATION TO BILLS OF COST.

SECTION 1. *The General Assembly of North Carolina do enact,* That the clerks of the several Superior Courts in the counties of this State shall insert in the entry of judgment in every criminal cause tried at the several terms (whether regular or special) of the Superior Courts for their counties; and in the bills of cost in such causes where there is no trial a detailed statement of the different items of cost in such cases, and to whom due, which said statements shall at all times be open to the inspection of all persons interested in the same.

SEC. 2. It shall in like manner be the duty of the several justices of the peace in the counties of this State to make out like detailed statements in all causes heard, tried, determined or otherwise disposed of by or before them, which shall be open to the inspection of all persons interested therein.

SEC. 3. In all cases in the Superior Courts and before justices of the peace embraced in the first and second sections of this act, where the State is liable in whole or part for the costs, it shall be the duty of the Clerk of the Superior Courts and of the justices of the peace to make out a

Clerk to insert detailed items.

*Superior & Criminal
Ch. 116 Feb 96*

Justices to insert detailed items.

*Superior & Criminal
Ch. 116 Feb 96*

Statement of cost to be made in 30 days.

*Superior & Criminal
Ch. 116 Feb 96*

statement of such costs from the record or docket, within thirty days after the regular or special terms of the Superior Courts, or hearing, trial, determination, or other disposition of the same before the said Justice of the peace, and file the same with the board of commissioners of their counties; for which services they shall receive the same fees as are now provided by law for like duties. *said*

SEC. 4. That it shall be the duty of the Clerks of the Superior Courts of the several counties of this State, and of the several justices of the peace to enter in a book, to be supplied by the several counties, an account of the several amounts by them received in virtue of their offices in the way of fines, penalties and forfeitures, and said book shall at all times be open to the inspection of the public. *Fines to be entered in book. Criminal or Superior*

SEC. 5. The duties imposed by the first and second sections of this act shall be executed within thirty days after the adjournment of the regular or special terms of the Superior Courts, and by the justice of the peace within the same time after the hearing, trial, determination, or other disposition of the same. *Duties to be executed within thirty days. Criminal or Superior*

SEC. 6. If any Clerk of the Superior Court or justice of the peace shall fail or neglect to perform the duties prescribed, he shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court. *Criminal or Superior* *Penalty for neglect*

SEC. 7. This act shall take effect from its ratification. *When in force.*

Ratified this the 13th day of February, A. D., 1874.

CHAPTER CXVII.

AN ACT TO PROVIDE A ROOM FOR THE SUPREME COURT RECORDS.

SECTION 1. *The General Assembly of North Carolina do enact,* That the room in the Capitol heretofore occupied as *Setting apart a room for keeping of records.*

the office of the Superintendent of Public Works be assigned to the clerk of the Supreme Court for the proper care and safety of certain records of said court.

When in force

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER CXVIII.

AN ACT CONCERNING ELECTIONS OF CERTAIN OFFICERS.

Superintendent of
Public Instruction.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be an election held on the first Thursday of August, in the year of our Lord, one thousand eight hundred and seventy-four, to fill the vacancy in the following office, to-wit: Superintendent of Public Instruction.

Judges.

SEC. 2. That there shall be an election held in the second and eighth judicial districts to fill vacancies caused by resignation of E. W. Jones in the second, and by reason of the non acceptance of D. H. Starbuck in the eighth district.

Rules.

SEC. 3. That the elections herein provided for shall be held and conducted under the same rules and regulations as are provided in the general election law.

Ratified this 13th day of February, A. D. 1874.

CHAPTER CXIX.

AN ACT IN RELATION TO THE WESTERN DIVISION OF THE WESTERN NORTH CAROLINA RAILROAD.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of chapter one hundred and eight, laws

of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, ratified March twenty-fourth, one thousand eight hundred and seventy, as appointed and constituted J. L. Henry, N. W. Woodfin, W. P. Welch, W. G. Candler and W. W. Rollins, commissioners, be and the same is hereby repealed.

SEC. 2. That said commissioners shall each surrender, turn over and deliver to the directors of the Western Division of the Western North Carolina Railroad, and account for all moneys, books, bonds, property, papers, securities and other effects of every kind and description which have come into their possession by virtue of their offices, as commissioners aforesaid, or otherwise, and which belong to or in any wise appertain to said Western Division, and they shall, in writing, communicate to the said directory all the information they may have obtained, by virtue of their said offices, touching the affairs of said Western Division, and in addition thereto each of said commissioners shall submit for himself, in writing and under oath, a full and complete report of the amount of money by him received, and how expended, and of all his acts, doings and proceedings by virtue of his said office. And in case of failure or refusal on the part of either or all of said commissioners to perform the duties required by this act, he or they so failing or refusing shall be deemed guilty of a misdemeanor, cognizable in the Superior Court of Haywood county, and upon conviction shall be imprisoned not less than one year and fined at the discretion of the court.

To deliver and account to directors.

SEC. 3. The directors of the said Western Division of the Western North Carolina Railroad are hereby authorized and empowered to exercise all the rights, powers and authority heretofore conferred upon said commissioners, by the act aforesaid, for the purpose of making a full and final settlement with George W. Swepson, and all other officers and ex-officers of said Western Division elected or appointed, at, since or before its organization, and with any other person or persons who have controlled or managed the funds of

Rights and powers.

said Western Division of the Western North Carolina Railroad or any part thereof.

Suits.

SEC. 4. That for the purpose of carrying out the full intent and meaning of this act, the said Western Division of the Western North Carolina Railroad Company, are hereby authorized and empowered to institute and prosecute any suit, or suits, deemed necessary by said company in any of the courts of this or any other State or of the United States, against George W. Swepson, or either, any or all of said commissioners, or any other officer or person hereinbefore referred to, in order to compel a full and satisfactory settlement of any matter concerning or in relation to the financial affairs of the Western Division of the Western North Carolina Railroad: *And whereas*, by an act of the present session of the General Assembly the North Carolina Railroad Company has been authorized to purchase or otherwise acquire title to the Western Division of the Western North Carolina Railroad, and complete the same in all its parts:

Proviso.

Provided, That this act shall not be construed to release any person or persons from any indictment or other criminal or civil action now pending or which may be hereafter instituted in any court in this or any other State: *Provided, further*, That the Governor shall have power to remove such directors as he may appoint, and to appoint others to fill the vacancy caused by such removal.

Provided further.

SEC. 5. *The General Assembly of North Carolina do enact*, That the Western Division of the Western North Carolina Railroad Company be and the same is hereby fully authorized and empowered to unite with and merge its franchise, property, estate, contracts, rights, privileges and immunities, of whatsoever kind or character, into the North Carolina Railroad Company upon such terms as the directors of the respective companies may agree upon, and when so united and merged, the "North Carolina Railroad Company" shall thenceforth have, hold, possess and be entitled to the said Western Division of the "Western North Carolina Railroad," and all its rights, franchises, privileges, immuni-

May merge into N.
C. R. R.

ties and contracts, and all the property and estate of every kind and description, real, personal and mixed, belonging to the Western Division of the "Western North Carolina Railroad Company," and by such union and merging the said North Carolina Railroad Company shall succeed to and acquire all the rights, privileges, powers, and immunities of every kind, character and degree heretofore conferred on the said Western Division of the Western North Carolina Railroad Company, by amendatory acts or otherwise, or by this act: *Provided*, That if the directors of said Western Division of the Western North Carolina Railroad Company shall not consolidate with and merge its franchise, property, estate, &c., with the North Carolina Railroad Company as herein authorized and empowered, then any subsequent board of directors of said company shall have the same power and authority to consolidate and merge said Western Division of Western North Carolina Railroad Company with the North Carolina Railroad as is herein conferred upon the present board of directors.

Proviso.

SEC. 6. In case the said North Carolina Railroad Company shall become the successor or owner of the said Western Division of the "Western North Carolina Railroad" whether under the provisions of this act or by virtue of any sale, then, and in that case, the president and directors and all other officers and employees of said company shall, under the penalties of section two of this act, turn over and deliver to the directors of the said North Carolina Railroad Company all moneys, property, estate, effects, record books, papers and securities in their possession as officers or employees of said Western Division of the "Western North Carolina Railroad": *Provided*, That all the money, property and effects of said Western Division, including all choses in action and the proceeds arising therefrom, thus turned over and delivered to the said North Carolina Railroad Company, shall be applied only in the construction of the line from the French Broad river in the direction of Georgia and Tennessee line in Cherokee county.

Directors to turn over.

Proviso.

Chapter 20, laws
1868-'9, repealed.

SEC. 7. That the eleventh section of an act entitled an act amendatory of the act to incorporate the Western North Carolina Railroad Company, ratified the 13th day of February, 1855, and all other acts amendatory thereof, being chapter twenty, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, ratified January twenty-ninth, one thousand eight hundred and sixty-nine, be and the same is hereby repealed, and that the third section of an act entitled an act to amend the charter of the Western North Carolina Railroad Company, ratified August nineteenth, one thousand eight hundred and sixty-eight, be and the same is hereby re-enacted.

Sec. 3, Chap. —,
laws 1868-'69 re-
enacted.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this 14th day of February, A. D., 1874.

CHAPTER CXX.

AN ACT FOR THE SUPPORT, REPAIRS, IMPROVEMENT AND PAYMENT OF THE DEBTS OF THE INSANE ASYLUM FOR THE YEAR ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

\$65,000 appropri-
ated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sum of sixty-five thousand (\$65,000) dollars be and the same is hereby appropriated out of the fund authorized by law, to be levied and collected, or in the treasury not otherwise appropriated, to the Insane Asylum of North Carolina, for the support, repairs, improvement and payment of the debts of the same, until the close of the fiscal year, one thousand eight hundred and seventy four, and the board of directors of the said Insane Asylum are hereby authorized, directed and empowered to draw the sum of ten thousand dollars of said amount during the month of January in said

year, and the sum of five thousand dollars of said amount during each of the remaining months of said year: *Provided*, That the amount for the first quarter of this year, as the rate herein allowed, may be drawn at one time.

SEC. 2. That this act shall be in force from and after its ratification

Ratified this 14th day of February, A. D., 1874.

CHAPTER CXXI.

AN ACT TO CHARTER THE JAMESVILLE AND WASHINGTON RAILROAD AND LUMBER COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Francis Lightfoot, A. A. Crookson, Francis Hand, Thomas Sparrow, Henry Holdship, and O. T. Waring and such other person or persons as may associate with them, be, and are hereby created a body politic and corporate by the name of the Jamesville and Washington Railroad Company with perpetual succession and all other franchises of the corporation, and they, or any three of them, be, and are hereby appointed commissioners to open books and to organize a company by the name and style and title of the Jamesville and Washington Railroad Company.

SEC. 2. The company is hereby authorized to construct, purchase or lease a railroad or railroads or part of railroad or railroads, with one or more tracks from Jamesville to Washington through the counties of Martin and Beaufort by the way of Waring, and from either of the above named points to Raleigh, and to construct branches, no branch to exceed twenty miles in length, and connect the main stem and branches, or either, with any other railroad already built or hereafter constructed by any company incorporated, or to be incorporated, under authority of this or any other State, and

also to cross any road at grade, and may also consolidate with, lease or be leased by any such company, either before or after the commencement or completion of any of the roads or any of the contracting corporations.

Seal.

SEC. 3. That the company shall have authority to have and to hold a common and corporate seal, and to change and to annul the same at pleasure, and by the style and title aforesaid shall be capable in law of suing and being sued, before any court of the commonwealth.

Capital.

SEC. 4. The capital stock of this company shall be three hundred thousand dollars or six thousand shares of the par value of fifty dollars each share, and the directors may augment the same from time to time, from such amount as they may deem requisite to carry into effect the full intent and purpose of this act, and that the persons aforesaid, or any three of them, are hereby appointed commissioners, with authority to receive subscriptions to the capital stock of the company and to open books of subscription therefor, at such times and places as they may appoint, and when ten (10) per cent. of the capital stock shall have been subscribed and five per cent. of such subscription be paid in, then an election of directors shall be held, consisting of not less than five nor more than nine, one of whom shall be president; said election shall be held at such time and place as may be agreed upon by the majority of stock represented, the president and directors to serve for one year and until their successors shall be elected. A quorum of stockholders must be represented by majority of stock. The president and directors shall appoint a secretary and treasurer and such other officers and agents as shall be prescribed by the by-laws, and shall have authority to make such other by-laws and changes from time to time, in said by-laws, as may be required to conduct the affairs of the company.

Election of Directors.

May borrow money.

SEC. 5. The directors may also borrow money at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor, secured by mortgage or mortgages upon the franchises and the property of the company or any part or

parts thereof, at a rate not exceeding sixteen thousand dollars per mile.

SEC. 6. Subscriptions to stock may be paid in land, lumber, material or money, as may be agreed upon by the directors of said company.

Subscription how paid.

SEC. 7. Certificates of stock shall be issued to the subscriber or subscribers under the direction of the president or directors, or a majority of them, and shall be signed by the president and secretary of said company and authenticated by the seal of said company, and shall be recorded in a book kept for the purpose, and all sales or transfers of the interest of any subscriber or stockholder of this company shall be duly recorded in such book. Said stock shall be held and considered as personal property, and the said company shall have exclusive right to carry and transport freight and passengers over and along said railroad at such rates as the directors shall prescribe, and the company may purchase and hold stock in any other railroad or navigation company, and shall have power to buy or lease the same, or to contract for the transportation of passengers and freight over their line, and to be entitled to all advantages in all general laws now existing.

Certificates of stock.

SEC. 8. The said directors shall have power by a vote of the majority of their number, at any meeting of the board, to change the name of the said corporation, and by any new name thus adopted, by filing with the secretary of the commonwealth a truly certified certificate, the said company shall have, hold and enjoy all the rights, powers, privileges and immunities hereby granted.

Power to change name.

SEC. 9. That the said Jamesville and Washington Railroad Company shall have the power to condemn land for the purpose and uses of said company to the extent and in the manner authorized in the charter of Carolina Central Railway Company, ratified the twentieth day of February, one thousand eight hundred and seventy-three.

Land condemned.

SEC. 10. This act shall be in force from and after its ratification.

When in force

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXII.

AN ACT IN FAVOR OF SERVANT TO WAIT UPON THE SUPREME COURT.

Additional pay,
upon certificate of
Chief Justice.

SECTION 1. *The General Assembly of North Carolina do enact*, That the servant employed to wait upon the Supreme Court and Attorney General's office shall be allowed such additional pay during the sessions of said court as the Chief Justice thereof may adjudge proper, said pay to be audited upon the certificate of the Chief Justice.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXIII.

AN ACT FOR THE BETTER PROTECTION OF THE COUNTY BRIDGE ACROSS TAR RIVER AT GREENVILLE, IN PITT COUNTY.

Power to pass orders, &c.]

SECTION, 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Pitt county shall have full and ample power to pass all such orders, ordinances, rules and regulations as they may deem necessary and proper for the better protection of the county bridge across Tar river at Greenville, in Pitt county.

Ten days notice.

SEC. 2. No person shall be punished for a violation of any such rules, regulations, orders or ordinances until ten days after the same has been posted up at some conspicuous place on said bridge.

Fines.

SEC. 3. Any person found guilty of violating any of the ordinances, orders, rules or regulations passed by said board of county commissioners in accordance with the provision of this act, upon conviction before any justice of the peace,

shall be fined not less than two nor more than ten dollars and costs.

SEC. 4. Any justice of the peace shall have exclusive original jurisdiction to hear, try and determine all violations of said rules, regulations, orders or ordinances, and for this purpose, shall have all the power conferred upon justices of the peace by the laws of this State, but either party may appeal to the Superior Court as is provided for in other cases of appeal.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXIV.

AN ACT IN FAVOR OF THE CONTRACTORS ON THE MARION AND ASHEVILLE TURNPIKE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the public treasurer is hereby instructed to pay out of any moneys not otherwise appropriated one half of the amount now due upon all warrants signed by the Auditor and now out-standing, which were issued to the contractors, officers or appointees on the Marion and Asheville Turnpike: *Provided*, That where the original warrants have been lost or destroyed, the Auditor shall re-issue the same to the party entitled thereto upon affidavit of its loss and setting forth the amount for which it was issued: and the person to whom the warrants are thus issued shall be entitled to payments under this act as if the original warrants had not been so lost or destroyed, *Provided*, That no holder of any of said warrants or claims, not the property of the original contractor, shall be paid more than they actually paid for the same.

Bona fide claims.

SEC. 2. That parties holding and owning *bona fide* claims for work and labor done in lots number one, six, seven and eight, as per contract in file in the office of Superintendent of Public Works for that part of the road from Bakersville to Sparta, and persons holding claims for work and labor done on sections eighteen, nineteen and twenty, from the Watauga Turnpike to Hickory Station, or any person duly authorized thereto may apply to the Auditor for a warrant upon the Treasurer, which he shall issue, and the Public Treasurer is hereby directed to pay the same in accordance with the provisions of section one, except that the payment in the lots aforesaid shall be sixty instead of fifty per cent, and this shall apply to no other claims except those herein designated.

Austin's claims embraced in this act.

SEC. 3. The claim of T. J. Austin, the Superintendent of that part of the road from the Caldwell and Watauga Turnpike to Hickory Tavern is declared to be embraced in this act, and the Auditor is instructed to audit the same: *Provided*, The same claim does not amount to more than twenty-five dollars.

Proviso.

SEC. 4. *Provided*, That the amount appropriated by this act shall in no case exceed the sum of eight thousand five hundred dollars.

When in force.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXV.

AN ACT IN RELATION TO THE FIRST JUDICIAL DISTRICT, AND FOR OTHER PURPOSES.

First District.

SECTION 1. *The General Assembly of North Carolina do enact*, That the first judicial district shall be composed of

the following counties and the terms of the several Superior Court for said district, shall begin in each year at the times herein stated, and shall continue to be held for two weeks (Sundays and legal holidays excepted) unless the business be sooner disposed of: Currituck county, in which the courts shall be held on the second Monday in January and July; Camden county, in which the courts shall be held the fourth Monday in January and July; Pasquotank county, in which the courts shall be held on the fourth Monday after the second Monday in January and July; Perquimans county, in which the courts shall be held on the sixth Monday after the second Monday in January and July; Chowan county, in which the courts shall be held on the eighth Monday after the second Monday in January and July; Gates county, in which the courts shall be held on the tenth Monday after the second Monday in January and July; Tyrrell county, in which the courts shall be held on the twelfth Monday after the second Monday in January and July; Hyde county, in which the courts shall be held on the fourteenth Monday after the second Monday in January and July; Dare county, in which the courts shall be held on the sixteenth Monday after the second Monday in January and July.

SEC. 2. Hereafter the counties of Bertie and Hertford shall constitute a part of the second judicial district, and the courts shall begin and be held as follows: Bertie county, on the eighth Monday after the third Monday in February and September; Hertford county, on the first Monday in February and September. Hereafter the county of Northampton shall constitute a part of the sixth judicial district, and the courts for said county shall begin on the fourteenth Monday after the second Monday in August and February.

SEC. 3. That all process, precepts and other papers issuing from or returnable to the courts of any of the above named counties, after this act shall take effect, shall conform to its provisions, and if at the time it takes effect or afterwards, any process shall come to the hands of sheriff or other

Currituck.

Camden.

Pasquotank.

Perquimans.

Chowan.

Gates.

Tyrrell.

Hyde.

Dare.

Bertie and Hertford part of second District.

Bertie.

Hertford.

Northampton added to fourth District.

Process and precepts returnable, &c.

officers, returnable to the terms as they heretofore stood, such officers shall return the same according to the provisions of this act.

When in force.

SEC. 4. This act shall take effect on the first day of July, one thousand eight hundred and seventy-four.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXVI.

AN ACT TO CURE CERTAIN IRREGULAR PROCEEDINGS IN THE PROBATE COURTS.

Preamble.

WHEREAS, In consequence of the great uncertainty as to the proper meaning of some of the provisions of "An act to authorize the judges of probate to appoint trustees in certain cases," ratified the twenty-eighth day of March, Anno Domini one thousand eight hundred and seventy, many proceedings have been erroneously instituted and conducted without some or all of the persons interested being made parties to such actions or proceedings, and in virtue of such actions or proceedings in those cases in which judgments and orders and decrees have been made, valuable rights have been acquired by innocent purchasers and others and much costs have accrued; now, for the purpose of remedying the evils and wrongs resulting from such mistakes of the joinder and non-joinder of parties,

Proceedings where trustee appointed to make deed.

SECTION 1. *The General Assembly of North Carolina do enact*, That all actions or proceedings heretofore had in the probate courts of this State in any action or proceeding in which any trustee was appointed to execute a deed in trust where any trustee of a deed of trust has died, removed from the county where the deed was executed and the State, or in any way become incompetent to execute the said trust, whether such appointment of such trustees by order or de-

eree, or otherwise, was made upon the application or petition of any person or persons *ex parte*, or whether made in proceedings where all the proper parties were made, be and are hereby in all things confirmed and made valid so far as regards the parties to said actions and proceedings to the same extent as if all proper parties had originally been made in such actions or proceedings.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXVII.

AN ACT FOR THE RELIEF OF PERSONS WHO HAVE ENTERED
VACANT LANDS IN CHEROKEE, CLAY AND GRAHAM COUNTIES.

WHEREAS, Entries of lots of vacant lands have been made in the counties of Cherckee, Clay and Graham, by different persons for the same lots of land; and whereas, notes have been given by different persons in many instances for the said same lots; and whereas, said notes have been paid off and discharged; and whereas, the oldest entries in all such cases hold good, and all other entries are void; and whereas, all vacant lands in the aforesaid counties now belong to said counties, therefore, Preamble.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for any person or persons who have entered lands in the counties of Cherokee, Clay and Graham, and have paid for the same to enter vacant land in any of said counties in lieu of lands heretofore entered and lost as aforesaid: *Provided*, That the amount of lands entered in accordance with the provisions of this act shall not be more than the amount of their notes would cover at the regular price of vacant lands. Persons allowed to enter vacant land.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXVIII.

AN ACT IN RELATION TO SCOTLAND NECK.

SECTION 1. *The General Assembly of North Carolina do enact*, That on and after the first day of March, one thousand eight hundred and seventy-four, chapter forty-eight, Battle's Revisal, shall cease to be of force and effect in Halifax county within the following boundaries, viz.: Beginning at the mouth of Looking Glass swamp on Roanoke river, thence up the run of said swamp and the boundary line of the lands of the late William R. Smith to the edge of the highlands on the south side of Cypress swamp, thence down the edge of the said highlands to Whitaker's farm, thence across to Leggett's landing on Roanoke river, thence up the river to the beginning.

Battles' Revisal
suspended in cer-
tain localities.

Live stock:

SEC. 2. That all persons owning live stock within the above described boundaries shall restrain the same from running at large, to the injury of the crops of the owners or tenants of land cultivated therein.

Stock running at
large.

SEC. 3. That if any person who resides within the boundary herein described shall permit any stock to run at large in said boundary in violation of the provisions of this act, or he or she shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not more than fifty dollars, and shall be further liable in a civil action in the Superior Court for damages which the said stock shall cause by thus running at large.

When in force.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXIX.

AN ACT TO RE-ENACT SECTIONS FIVE, SIX AND SEVEN, CHAPTER ONE HUNDRED AND FOUR, REVISED CODE.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections five, six and seven, chapter one hundred and four, Revised Code, are hereby re-enacted.

Sections 5, 6 and 7, chapter 104, Revised Code, re-enacted.

SEC. 2. That this act shall be in force and take effect February first, one thousand eight hundred and seventy-four.

When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXX.

AN ACT TO AMEND CHAPTER SIXTY, SECTION FIFTEEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the limitation in section sixteen, chapter sixty, laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, requiring the Planters' Railroad Company, now merged into the Atlantic Coast Railway Company, to commence work on its said road within four years is hereby repealed, and the time shall be extended four years from the ratification of this act.

Time extended 4 years.

SEC. 2. That the commencement of work on the said Atlantic Coast Railway Company within four years shall be a compliance with this act.

Complying with this act.

SEC. 3. This act shall take effect from its ratification.

When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXXI.

AN ACT TO CHANGE A PORTION OF THE DIVIDING LINE BETWEEN
CUMBERLAND AND BLADEN COUNTIES.

Dividing line.

SECTION 1. *The General Assembly of North Carolina do enact*, That the dividing lines between the counties of Cumberland and Bladen be changed as follows: Beginning at the mouth of Willis Creek, where it empties into Cape Fear River, the present line; thence direct to James Melvin's mill on Peter's Creek; thence down the South bank of said creek to the point where it empties in South River; thence up said river with the present county line to the present intersecting point of Cumberland and Bladen counties; and all that portion of the county of Bladen, cut off by the line therein established, be and the same is hereby attached to and shall constitute a portion of the county of Cumberland.

SEC. 2. That in the separation herein provided, that portion of the county of Bladen shall not be relieved from its proportion of the public debt of said county.

When act to have effect.

SEC. 3. That this act shall have no force or effect until it shall have been submitted to the qualified voters of the territory herein proposed to be attached to the county of Cumberland at an election to be held under the supervision of the magistrates of Beaver Dam Township, on the first Thursday in April next, and shall be ratified by a majority thereof, but if a majority vote for said change, then this act shall be in force and valid. And in the election herein provided, all persons living within the prescribed territory, who are entitled to vote for members of the General Assembly, shall be permitted to vote without registration, except on the day of election, which shall be done under the supervision of the magistrates as above set forth, and the said magistrates are hereby required to make out duplicate accounts of such election, one copy of which shall be sent to the county commis-

sioners of each of said counties, there to be filed as records of their office.

SEC. 4. That if the change herein proposed shall be made, then that portion of the county of Bladen herein attached to Cumberland, shall constitute and be known as Beaver Dam township. Beaver Dam township.

SEC. 5. That Malcom Monroe of Bladen, and J. B. Downing of Cumberland, be and they are hereby appointed surveyors to lay off and establish the lines herein provided, for which service they shall be entitled to the usual fees for such service, same to be paid by the county of Cumberland. Surveyors.

SEC. 6. That this act shall be in force from its ratification. When in force.
Ratified the 14th day of February, A. D., 1874.

CHAPTER CXXXII.

AN ACT CONCERNING ELECTIONS IN THIS STATE.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be an election held for the following officers on the first Thursday of August in the year of our Lord one thousand eight hundred and seventy-four (1874), and every two years thereafter: Members of the General Assembly for their respective counties and districts; a county treasurer, register of deeds, county surveyor, five county commissioners, a coroner and sheriff for their respective counties, and also for members of the House of Representatives of the United States Congress for their respective districts. Legislative and county officers.

SEC. 2 That there shall be an election held on the said first Thursday of August and every four years thereafter, for the following officers: Solicitors for their respective judicial districts and for clerks of the superior court for their respective counties. Solicitors and clerks.

Superior court
judges.

SEC. 3. That there shall be an election held on the said first Thursday of August, and every eight years thereafter, for the following officers: Six Superior Court Judges for their respective judicial districts, in and for the following districts to-wit: the first, third, fourth, fifth, seventh and ninth.

State officers.

SEC. 4. That there shall be an election held on the first Thursday of August, in the year of our Lord one thousand eight hundred and seventy-six (1876), and every four years thereafter, for the following officers, to-wit: Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General.

Supreme Court
Judges.

SEC. 5. That there shall be an election held on the first Thursday of August, in the year of our Lord one thousand eight hundred and seventy-eight (1878), and every eight years thereafter, for the following officers: Five Supreme Court Judges for the State, and six Superior Court Judges in and for the following judicial districts, to-wit: second, sixth, eighth, tenth, eleventh and twelfth.

Vacancies.

SEC. 6. That whenever any vacancies shall exist in any of the above offices, by reason of death, resignation or otherwise, the same shall be filled by elections to be held in the manner and places, and under the same regulations and rules as is prescribed for general elections, at the first general election thereafter, except as otherwise provided in the constitution.

Returning officers.

SEC. 7. That the sheriff or other returning officer of every county shall, within thirty days after the election for Supreme Court Judges, transmitted by mail or otherwise, (if by mail in a registered letter,) to the Governor of the State a statement of the votes taken in his county for each of said judges, which statement shall be in the form prescribed in sections twenty three and twenty-four, chapter one hundred and eighty-five, acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, who shall open and compare the same in the presence

of the Attorney General and Secretary of State, and shall as soon thereafter as practicable, proclaim the result of the same.

SEC. 8. That the Governor shall issue to every person duly elected to the office of Supreme Court Judge a commission certifying his appointment immediately after the result of said election shall have been proclaimed. That if the Governor shall refuse to issue his commission to any judge elect, in this State, as is provided by law, then it shall be the duty of any judge of this State to administer the oath of office to any such judge upon production of satisfactory evidence of his election.

Governor to issue commissions.

SEC. 9. That the sheriffs and other returning officers of the counties of each judicial district shall meet on the third Thursday of August at the following places in the several judicial districts, for the purpose of comparing the polls for Superior Court Judges and Solicitors of the respective districts, to-wit :

Comparing votes.

In the first, at the court house in the county of Pasquotank. First District.

In the second, at the court house in the county of Washington. Second.

In the third, at the court house in the county of Lenoir. Third.

In the fourth, at the court house in the county of New Hanover. Fourth.

In the fifth, at the court house in the county of Richmond. Fifth.

In the sixth, at the court house in the county of Franklin. Sixth.

In the seventh, at the court house in the county of Guilford. Seventh.

In the eighth, at the court house in the county of Dare. Eighth.

In the ninth, at the court house in the county of Lincoln. Ninth.

In the tenth, at the court house in the county of Wilkes. Tenth.

In the eleventh, at the court house in the county of Yancey. Eleventh.

In the twelfth, at the court house in the county of Macon. Twelfth.

And such rules and regulations as are prescribed for members of Congress in their congressional districts, in chapter one hundred and eight-five, section twenty-one, act of one

thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two.

Governor to commission upon certificate.

SEC. 10. That any person duly elected Superior Court Judge, or Solicitor in each of the said districts upon obtaining a certificate of his election, shall procure from the Governor a commission certifying his appointment, which the Governor shall issue on such certificate being produced.

Compensation.

SEC. 11. That the compensation to be allowed the returning officers for the comparing of the polls, as set forth in section eight, of this act, shall be the same as are allowed in chapter one hundred and eighty-five, section twenty-seven, acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, for comparing votes for members of Congress.

Elections how conducted.

SEC. 12. That all elections herein ordered shall be conducted in all particulars in such manner and form, and under such rules and regulations, as are prescribed in chapter one hundred and eighty-five, acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, and one hundred and twenty-four, acts of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, both of which, so far as they are not inconsistent with the provisions of this act, are hereby re-enacted: *Provided*, That any elector shall be eligible as registrar for their several townships in all such elections, and any provision of chapter one hundred and eighty-five, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, inconsistent with this proviso is hereby repealed. That when a voter is challenged at the polls, upon demand of any citizen of the State, it shall be the duty of the inspectors of the election to require said voter, before being allowed to vote, to prove by the oath of some other person, known to these judges, the fact of his residence for thirty days previous thereto in the county in which he purposes to vote.

Provided.

Challenge.

Separate box.

SEC. 13. That at all elections for Judges of the Supreme Court, Judges of the Superior Court and Solicitors, there shall be provided a separate box for such Supreme Court

Judges and a separate one for the Superior Court Judges and Solicitors.

SEC. 14. That the members of the General Assembly, elected under the provisions of the first section of this act, shall assemble on the third Monday of November following the date of their election.

Members of Assembly when to meet.

SEC. 15. This act shall be in force from and after its ratification.

When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CXXXIII.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES BY THE STATE AND THE SEVERAL COUNTIES OF THE STATE ON PROPERTY, POLLS AND INCOME, KNOWN AS THE MACHINERY ACT.

SECTION 1. *Valuation of lands, when to be made :*

The General Assembly of North Carolina do enact, The township board of trustees shall list the lands of the State at the valuation of the same for the year one thousand eight hundred and seventy-three, subject to the provisions of sections sixteen and twenty-four, and to the exceptions hereafter made, and shall assess all the personal property in their townships at the cash value, on the first day of April, one thousand eight hundred and seventy-four, and on the same day annually thereafter, and for such services each member of the board shall be allowed not more than six dollars annually, except in townships where cities and towns are located, and in that case such compensation as the commissioners of each county may allow, not to exceed ten dollars to each member of the board. Whenever no legal board of trustees shall exist in any township, the county commissioners of such county at a meeting to be held thirty days after the ratification of this act, shall appoint in every

Valuation when made.

such township three assessors, qualified to serve as jurors, two of whom shall be owners of real estate in the county, who shall constitute boards of trustees for the township, for the purpose of performing all the duties of a regular board of trustees required to be performed by this act. Said board shall be entitled to the same pay as the regular board of trustees.

SEC. 2. *Meaning of the words "lands and real property" in this act :*

Meaning of lands and real property.

The words land and real property shall be construed in this act to include not only the soil but all buildings and erections thereon, all rights and franchises appurtenant thereto, and all mines or minerals on or under the surface.

SEC. 3. *Boards shall be notified :*

Clerk to notify board.

The county commissioners, by their clerk, shall give to the township boards, previous to the fifteenth day of March, a notice to list the taxable lands and assessments of personal property according to the first section of this act, together with the proper blanks for the same. At the same time it shall be the duty of the county commissioners to select and notify one trustee from each township board of trustees in their county, to meet the county commissioners as a county board of assessors at some day before the township assessments; when in session it shall be their duty to agree upon some uniform scale of valuation of both real and personal property of their county, which uniform scale shall be adhered to as near as practicable by the township boards: *Provided*, That ten days' notice after a reception of a copy of this act shall be allowed to the commissioners of the several counties of the State to give said notice for this year.

SEC. 4. *Board to advertise in their townships :*

Advertisement.

The board shall advertise in three or more public places within their township within ten days after they have been

notified by the county commissioners provided for in section three.

SEC. 5. *When the list is to be given in :*

The list shall be given in by the person charged, or his agent, within twenty days after due notice given as herein prescribed. The property of a corporation shall be given in by the president, cashier, treasurer or other person appointed for that purpose.

When list given in.

SEC. 6. *Real property and farming stock, &c., shall be given in where situated on the first day of April :*

All real property and all stock of farming utensils and other personal property used in connection with the cultivation of a farm subject to taxation shall be given in in the township in which said property is situated on the first day of April, and where the line of any township runs through any resident's land, the same shall be listed in the township of such resident.

Farming stock given in, when.

SEC. 7. *All other property and polls to be given in where tax payers reside on the first day of April :*

All other personal property whatever, including moneys on hand or on deposit, credits, investment in bonds, stocks, stocks in National, State and private banks, joint stock companies or otherwise, and all taxable polls and all other subjects liable to taxation, except such franchise and personal property as are herein specially provided for, shall be given in in the township in which the person so charged resides, on the first day of April. The residence of a corporation, partnership or joint stock association, for the purpose of this act, shall be deemed to be in the township in which its principal office or place of business is situated ; if, however, the corporation, partnership or association have separate places of business in more than one township, it shall be given in in each, the property or effects therein, but any body of lands belonging to persons or a corporation, partnership or associ-

When polls and other property given in.

ation, and divided by township lines, shall be given in in that township in which the larger part thereof is situated.

SEC. 8. *Tax payer to give in list of his property :*

Tax payer to give in list.

At the time and place appointed by the board the tax-payers shall attend, and the board shall read over to each one, giving in his list all the articles and subjects of taxation, and thereupon he or she shall render to the board his or her list of taxables, at the same time taking the following oath : I, A. B., do solemnly swear (or affirm) that I have rendered a true and full statement of all subjects of taxation, which I, in my own right, or as agent of or in trust for any other person or in any other capacity am by law required to list for taxation, according to my best knowledge, information and belief : so help me God.

SEC. 9. *What the list shall contain :*

What list to contain.;

The list shall state the taxable property of the person giving in, and shall refer to the first day of April in that year :

1. The quantity of land listed in the township : The land shall be described by name, if it has one, otherwise in such way that it may be identified, and shall be valued at a fair cash value, estimated at the price it would bring at a fair voluntary sale.

2. The number of horses, mules, jacks, jennetts, goats, cattle, hogs and sheep, separately, and the value thereof, and they shall be valued at their fair cash value, estimated at the price they would bring at a fair voluntary sale.

3. The estimated value, without specifying the articles of farming utensils, tools of mechanics, household and kitchen furniture, provisions, arms for muster, wearing apparel for use of owner and family, libraries and scientific instruments.

4. Money on hand or on deposit in any bank in or out of the State, including therein all funds invested within thirty days before in United States bonds, any stocks or non-paying

property whatsoever, with the intent to evade the payment of State, county or other taxes.

5. The amount of solvent credits owing to the party, whether in or out of the State, whether owing by bond, note, bill of exchange, open account, or due and payable, or whether owing by any government, except bonds of this State or the United States, exempt from taxation by law, except rent accruing for the current year for the hire of taxable property. If any credit be regarded as not entirely solvent, it shall be given in at its estimated value; the party may deduct from the amount of debts owing to him the amount owing by him, the residue only shall be liable to taxation.

6. Stocks in national, State and private banks, and stocks in any incorporated company or joint stock association, and their estimated value.

7. All other personal property whatever, including therein all cotton, in seed or lint, tobacco, either leaf or manufactured, turpentine, rosin, tar, brandy, whisky, musical instruments, goods, wares, and merchandise of all kinds, plated and silver ware, and the watches and jewelry possessed by the party, his wife or any minor child: *Provided*, Each tax payer shall be allowed an exemption of one hundred dollars in the value of personal property listed in this section, (section 9.)

8. The income of the party for the twelve months next preceding the first day of April in the current year, with a statement of the source and sources from which it was derived. From the amount of the income, five hundred dollars shall be deducted and also the amount derived from property taxed, and from any trade, purchase or profession taxed by the laws of this State.

9. If the party be a non-resident of the county and owns land therein, it shall state his address, and may name any agent in the county to whom notices may be given respecting his taxes.

SEC. 10. *Guardians, executors, etc., to give in separately :*

Guardians etc. to
give in separately.

Every guardian, executor, administrator or trustee, shall, in like manner, but on a separate list, give in the property held by him in that capacity, the value of the franchise of every railroad, canal, turnpike, plankroad, navigation and banking company, shall be given in by the president or chief officer of the said several corporations on the day fixed by this act for the giving in of the taxable property to the Treasurer of the State, and shall be assessed by the said Treasurer, the Auditor and the Governor of the State; and their valuation shall be returned to the county commissioners of any county in which any part of said roads or canals or navigation work shall be, and the tax upon such franchise, so valued, shall be the same as upon property of equal value; and the tax collected in each county and township shall be in proportion to the length of such road, canal or works lying in such county or township respectively; and such taxes shall be collected as other taxes are required by law to be. The rolling stock of every railroad company, and the vessels employed by any canal or navigation company on its canals or works, shall be valued with the franchise.

SEC. 11. *What property exempt from taxation :*

Exemption.

1. The property belonging to the United States or this State, or to any county or incorporated town.
2. The property belonging to and set apart and exclusively used for the university, colleges, institutes, academies, the Masonic Fraternity, Order of Odd Fellows, Knights of Pythias, Good Templars and Friends of Temperance, schools for the education of the youth, or support of the poor and afflicted, such property as may be set apart for and appropriated to the exercise of divine worship or the propagation of the Gospel, or used as parsonages, the same being the property of any religious denomination or society: *Provided*, That said exemption shall not extend to more than twenty acres of land, if the excess over twenty acres is of value exceeding one thousand dollars.

3. Such property as may be set apart for graveyards or burial lots, except such as are held with a view to profit or for the purpose of speculating in the sale thereof.

4. Such property of the State and county agricultural societies as may be set apart and used by them for agricultural fairs.

5. The exemption provided for in subdivision seventh, section nine.

6. If any township board of trustees in any county of the State shall fail to allow the exemptions prescribed in the last preceding subdivision, or shall knowingly allow taxpayers more than is exempted in said section, the members of said board concurring in said action shall be each personally guilty of a misdemeanor, and, on conviction, shall be punished in the discretion of the court.

SEC. 12. *The lists to refer to the first day of April :*

The lists shall refer to the first day of April of the year in which they are given, and relate to the quantity, condition and value of the property, and to age of the party in reference to his liability to a poll tax on that day.

SEC. 13. *How the property shall be valued :*

In the year prescribed for the valuation of the lands, the board shall affix to the description of each piece of land its true value in money on the first day of April in that year as hereinbefore prescribed, and this value, unless altered as herein prescribed, shall be annually fixed to that land until a new valuation is made. They shall in every year, value the personal property at its true value. The valuation found by them shall affix to every piece of property particularized in section nine of this act. If any person liable to be charged with taxes shall refuse to answer any question respecting his taxable property he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by fine or imprisonment, and it shall be the duty of the board to whom the refusal is made to bind over the offender to ap-

How property
valued.

pear at the next term of the Superior Court of the county, and to report the fact to the Solicitor of the judicial district, in order that the offender may be prosecuted. In valuing the property of railroads and other corporations in which the State is a stockholder, the whole property shall be valued, but a part of the valuation shall be deducted proportionate to the interest of the State and the tax levied on the residue only. The tax so levied, when paid by the corporators, shall be charged by the corporation on the individual stockholders only, and when any dividend shall be declared, the dividend to the State shall exceed that to individual corporators by the amount of all taxes previously paid.

SEC. 14. *Auditor to provide forms, and sheriff to distribute to boards of trustees:*

Auditor to provide forms.

The Auditor of the State shall prepare a form to be used in listing property for taxation, and each year shall furnish the sheriff of each county, on or before the fifteenth day of March, with a sufficient number of printed copies bound in book form, with paste board backs, and the sheriff shall deliver to the board of each township a sufficient number of such forms for their use.

SEC. 15. *Board to make an abstract of their tax list:*

Abstract of tax lists.

The board shall make an abstract of the tax lists given in to them according to form, to be furnished by the Auditor of the State, and shall, on or before the first Monday in May in each year, return such abstract and the tax lists to the clerk of the commissioners. They shall also return a list of the property in the township if not given in for taxation, with a description and valuation thereof made by the board, and the names of the occupant and the supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any persons desiring it a copy of so much thereof as relates to his property, on paying a fee of ten cents.

SEC. 16. *County Commissioners to revise lists, when :*

The county commissioners of each county, by notice in newspapers, or by posters put up, shall meet on the third Monday in May, and revise the tax lists and valuation reported to them, and complete the lists, by computing the tax payable by each person and affixing the same opposite his name. They shall sit for three days at least, and when necessary shall sit until the revision is complete ; and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the abstract of the township board as may be right and just, and so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power after notifying the owner or agent to raise the valuation upon such property as they shall deem unreasonably low. The county commissioners, on the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners held on or before the first Monday in July, upon his paying the clerk twenty-five cents for recording the same. The commissioners shall ascertain the value of their property by the examination of witnesses or otherwise, and insert it in the abstract, and without satisfactory excuse they shall add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

Commissioner to
revise lists.

SEC. 17. *How complaints of excess proceeded with :*

If any person shall complain before the commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he shall present his claim in writing, and they shall hear any evidence adduced by him, and shall summon and examine any witnesses necessary for a just decision of the question. If they decide against the complaint, they shall also give judgment against him for the cost of the investigation, but if the county commissioners shall find that he has cause for com-

Complaints.

plaint, they shall direct their clerk to render a true account thereof; and the account thus rendered, certified by the clerk, shall be returned to the Auditor, who shall credit the sheriff with the overcharge in his settlement of that year.

SEC. 18.

Refunding tax.

If the application for relief be made to the commissioners after the sheriff shall have settled the accounts with the Auditor, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint, and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners, and deliver to the applicant, who shall pay to the clerk a fee of fifty cents. Such copy then shall be transmitted to the Auditor of the State, who, on finding the proceedings in conformity with the requirements of this order, shall issue a warrant on the Treasurer of the State for the amount specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

SEC. 19. *Persons not giving in to be charged with double tax and be deemed guilty of a misdemeanor :*

Double tax.

The county commissioners shall insert in the abstract of the tax list for each township the description and valuation of all property not given in, with the name of the person supposed to be liable for the taxes thereon, and the names of all persons in each township liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered; and all persons who are liable for a poll tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed, before the list taker and the county commissioners, shall be deemed guilty

of a misdemeanor, and on conviction therefor shall be fined not more than fifty dollars or imprisonment not more than thirty days.

SEC. 20. *The county commissioners may exempt from poll tax :*

The county commissioners shall have power to exempt Exemptions. any person from the payment of a poll tax on account of both poverty and infirmity, and the clerk shall deliver to the sheriff a list of all persons so exempted, with the amount of taxes charged against him, and the sheriff shall be entitled to a deduction for such taxes in any settlement he may be required to make.

SEC. 21. *Copies of revised tax list, how distributed :*

The county commissioners shall cause to be made out two Copies of tax lists copies of the tax lists of each township, as revised and settled by them, according to a form to be furnished to them by the Auditor of the State. Such form shall show in different columns the amount due by each tax-payer to the State and to the county ; one of said copies shall remain in the office of the clerk of the commissioners, the others shall be delivered to the sheriff or tax collector on or before the first Monday in July in each year, and he shall receipt for the same. The clerk shall indorse on the copies given to the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the property of the person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of bond as prescribed. Such order shall be in the following or substantially similar form ;

Form of order.

STATE OF NORTH CAROLINA, } Office Board of Commissioners,
 _____ County. } _____ County.

To the Sheriff of _____ County :

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof I hereunto set my hand and seal — day of _____ 187—.

 Clerk Board of Commissioners.

SEC. 22. *Clerk to transmit abstract of tax list to Auditor :*

Clerk to transmit to auditor.

The clerk of the commissioners on or before the first Monday in September, after the lists are returned, shall return to the Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount as State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return the Auditor an abstract of the lists of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

SEC. 23. *Penalty on Clerk for default :*

Penalty.

If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the sheriff's return, made, sworn to and subscribed as required in section thirty-four of this act, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake county at the term next after the default, on motion of the State Solicitor, and it shall be the duty of the Auditor to inform the Solicitor of such default.

SEC. 24. *In case land be divided, how tax may be apportioned :*

In case, within the interval between two regular periods for the valuation of land or real property, any piece of land or real property shall become divided in ownership, either by partition or a sale of a portion thereof, or otherwise, either of the part owners may, at any time, upon five days' notice to the other part owners, apply to the township board of trustees for an apportionment of valuation, which shall be allowed as may be just, and all persons having tax lists are required to amend the same according to the judgment of said board, on the production of a certified copy thereof : *Provided*, That no amendment made after a tax on the land has become due shall operate to affect that tax.

Apportionment of taxes.

SEC. 25. *If valuation altered, when :*

If after listing of any real or personal property, and before the tax thereon shall become due, the property shall become destroyed or depreciated over twenty-five per centum on its assessed value otherwise than by act of the owner, the party charged may apply to the county commissioners, and upon proper proof may have the valuation reduced, and the board of trustees shall thereupon immediately furnish to the clerk of the county commissioners as well as the party a certified copy of their order in the premises, or the party may apply to the county commissioners, who shall make the proper order in relation thereto. If the property was insured, the amount of the insurance shall in such case be considered in altering the valuation. In like manner if property shall have increased twenty-five per centum over its assessed taxable value, the sheriff of the county, upon ten days notice to the owner, may apply to the board of trustees to alter the valuation of the property, and upon proper proof they shall do so ; but the valuation shall not be altered if the appreciation has occurred in consequence of improvement made on the property by draining, clearing, building or the like.

How valuation altered and when.

Payment of taxes.

SEC. 26. *When taxes may be paid, when due :*

All taxes shall be due on the first Monday of July in each year. When paid, the sheriff or tax collector shall note on the tax list against the name of the party the date of payment and the amount paid; he shall also give a receipt to the parties, stating the amount of the State and county tax separately and the date of payment: *Provided*, The sheriff shall not collect the taxes for any year until he shall have settled in full with the State and county treasurers for the taxes of the previous year, (if he was the sheriff or tax collector.) Before receiving the tax lists he shall produce the receipts of the State and county treasurer, (if he was the sheriff for the previous year,) to the clerk of the county commissioners, and in the event the sheriff fail to produce the aforesaid receipt, the county commissioners shall appoint a tax collector who shall give bond as required by the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies who are not sworn, or other such persons, they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive them. Said oath shall be filed and kept on the docket of the county board, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be guilty of a misdemeanor.

SEC. 27. *When and where sheriff to attend to receive taxes:*

The sheriff or his deputy shall attend at the court house or his office in the county town, during the months of August and September, for the purpose of receiving taxes; he shall also in like manner attend at least one day during the months of July and October, at some one or more places in each township, of which twelve days notice shall be given by advertisement at three or more public places: *Provided*, That nothing in this section shall be construed to prevent the collecting officer from levying and selling

Sheriff to receive
taxes.

after the first day of October, but he shall not sell before that day.

SEC. 28. *How sheriff to collect :*

Whenever the taxes shall be due and unpaid the sheriff shall immediately proceed to collect them as follows: How sheriff to collect.

1. If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same, as he is required to sell other property under execution.

2. And before the sale of land no insolvent taxables shall be credited to the sheriff in the settlement with the Auditor, but such as shall be allowed by the county commissioners, a list whereof containing the names and amounts and subscribed by the sheriff, he shall return to county commissioners before said settlement, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the tax payers, and could not there or elsewhere in the county find property wherewith to discharge his taxes, or such part thereof as is returned unpaid, and that the persons contained in the lists were insolvent at and during the time when, by law, he ought to have endeavored to collect the taxes; such list shall be recorded in commissioners' docket, and a copy thereof shall be returned to the Auditor of the State on or before the day of settlement of the sheriff with the treasurer.

3. If the party charged has not personal property to be found in the county of sufficient value, the sheriff shall levy upon the lands of the delinquent or any part thereof; said sheriff shall return a list of said levy to the clerk of the Superior Court, who shall enter the same in a book to be kept for the purpose, charging therefor ten cents for each levy; the sheriff shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating those particulars, on him personally. If the delinquent cannot by reasonable diligence be found in the county, but has a known

agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered to such agent and shall be mailed, post paid to the delinquent. If the delinquent has no known agent in the county, or his address cannot with reasonable diligence be ascertained, the sheriff shall publish a notice substantially as above described at the court house door and two other public places, and also in some newspaper, published in the county where the land is situated, and if there be no newspaper published in the county, then in the nearest newspaper. The notice shall be served or published as aforesaid, at least thirty days before the sale of the land; the sale shall be made at the court house of the county in which the land lies, and shall be on one of the days prescribed for sale under execution, and shall be conducted in all respects as sales under execution are; if the delinquent resides out of the county, and his address be known, the sheriff, within one month after sale shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid, and of the amount of taxes and costs to be paid by him as a condition of his redemption. If any person liable for taxes, not having property in the county where such taxes are due, shall have property in any other county or shall remove from his county after the day of listing, or carrying his property therefrom, the collecting officer shall return the fact to the board of commissioners of the county, who shall, through their clerk, make an abstract of the same under their corporate seal, which abstract shall have the force of a tax list regularly indorsed for collection in any county of the State. The collecting officer shall forward the same to the proper collecting officer of the county where the person or property may be, who shall collect the amount due thereon with ten per cent. added, which percentage he may retain to his own use, the residue to be forwarded immediately to the officer from whom he received it, to be accounted for as other public taxes. It shall be the duty of the officer to whom such abstract shall be forwarded to make return of

his action on the same within thirty days, and said abstract, or a duly certified copy, may be sent for collection to the same or any other county until the amount due shall be collected. And it is expressly declared that the lands of a minor, lunatic, or a person *non compos mentis*, shall in no case be liable to be sold for taxes; but should any guardian of the estate of such person not pay the taxes on the property of such person when due, the tax list in the hands of the sheriff, charging him as guardian, shall be an execution, to be satisfied out of his individual property, or out of the personal property of such ward. The following or any substantially similar form shall be sufficient for the levy.

THE STATE OF NORTH CAROLINA }
 On the selection of }
 _____, Sheriff of }
 _____ County, }

vs.

Levy on lands of _____ adjoining the lands of _____
 for default in payment of taxes.

SEC. 29. *Who is to be purchaser, and what he shall pay :*

The whole tract or contiguous body of land belonging to a delinquent person or company shall be set up for sale at the same time, and the bid shall be struck off to him who will pay the amount of taxes, with all the expenses, for the smallest part of the land. Purchaser.

SEC. 30.

If no one will on sale offer to pay the amount of taxes and charges for a less number of acres than the whole number of acres in said tract, then the sheriff shall bid off the property for the State, and upon proving the fact and tendering to the Auditor of the State a deed to the State for the property, duly registered in the county in which it lies, When sheriff to bid off.

shall have credit for the amount of such tax and charges. The deed shall be deposited without delay by the Auditor with the Secretary of State. The property so purchased by the State shall be under the control of the board of education, but may be redeemed as hereinafter prescribed.

SEC. 31. *The delinquent, his agent or attorney may redeem the property within twelve months :*

Redemption.

The delinquent, his agent or attorney may retain the possession of the property for twelve months after the sale, and within that time may redeem it by paying or tendering to the purchaser the amount paid by him, and twenty-five per centum in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor. If he shall refuse, the delinquent may pay the same to the Clerk of the Superior Court, for the use of the purchaser, and the clerk shall give a receipt therefor. Such payment shall be equivalent to payment to the purchaser. The delinquent, his agent or attorney may cause the receipt of the purchaser or of the clerk to be registered, and the register of deeds shall refer to such registration on the margin of his registration of the receipts from the sheriff to the purchaser. After the payment to the purchaser or to the clerk for his use, as aforesaid, his right under the purchaser shall cease. No sale of property by the purchaser or by the delinquent his agent or attorney within twelve months shall convey to their respective vendees any rights or estates that the parties themselves may possess.

SEC. 32. *If the delinquent, his agent or attorney shall fail to redeem :*

Failure to redeem.

If the delinquent, his agent or attorney, shall fail to redeem as prescribed in the preceding section, the sheriff shall execute a deed for the quantity of land for which the said purchaser agreed to pay the amount of the taxes with all the expenses, and for said service the sheriff shall be entitled to two dollars, to be paid by the purchaser. The deed from

the sheriff to the purchaser shall be registered within six months, and when so registered shall convey to the grantee all the estate in the quantity of land for which the said purchaser bid, which the delinquent, his agent or attorney had at the time of the sale for taxes.

SEC. 33. *Redemption, reconveyance:*

In case the State becomes the purchaser, under section thirty, then within twelve months after the sale the delinquent may pay to the county treasurer the county tax due, with twenty-five per centum added thereto, and to the Public Treasurer the State tax due, and twenty-five per centum added thereto, together with the costs allowed the sheriffs in the settlement under subdivision three, section thirty-six, of this act; and upon presentation of the several receipts of these officers respectively to the Secretary of State, that officer shall endorse upon the deed conveying the property to the State, these words: "Taxes and costs paid; delinquent restored to his rights," and sign the said endorsement, annexing the seal of his office thereto, and charging thirty-five cents therefor, and shall deliver deed to delinquent or his agent. And upon presentation of said endorsement to the register of the county where the land lies, he shall enter the same on the margin of that page of the county records in which is registered the deed made to the State by the sheriff, charging fifteen cents therefor; and such endorsement, delivery and registration shall have the effect of reinvesting the delinquent with all his rights in the premises. That the time for redemption of any property heretofore bought by the State is hereby extended until the thirtieth day of November, one thousand eight hundred and seventy-four; that whenever the word delinquent is used in this act, it shall be taken to mean delinquent or his heirs or assigns.

SEC. 34. *Sheriff to keep a record of unlisted taxables:*

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, and under schedule B of

Reconveyance.

Unlisted taxes.

the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in September in each year, shall deliver to the clerk of the county commissioners a statement setting forth all sums received to that date, not previously accounted for, the date of such receipts, the person from whom received, the amount received from such persons, the subjects on which received, and the aggregate amount, accompanied by an affidavit taken and subscribed before the clerk and attested by him that the statement is correct and that no receipt has been omitted. And the clerk shall, by the first Monday in October, send a duplicate of said statement and affidavit to the Auditor of the State, register the name on a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court house until the first of January next ensuing.

SEC. 35. *Settlements of Sheriffs, when :*

The sheriffs or other accounting officers shall, on or before the first Monday in December, in each year, settle their State tax account with the Auditor, and pay the amount for which he is liable to the Treasurer of the State. The Auditor shall forthwith report to the State Treasurer the amount due from each accountant, setting forth therein the net amount due to each fund, and the Treasurer shall open an account against such officer and debit him accordingly. The sheriff, tax collector, and other accounting officer, in making his settlement as aforesaid, shall render the Auditor a duplicate of the list required in section thirty-four of this act. In such settlement the sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of taxables transmitted to the Auditor, also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists, and the

amount of tax on each subject which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection.

SEC. 36. *The Auditor, in making the settlement with the sheriff or tax collectors as aforesaid, shall deduct from the lists returned :*

1. The amount of taxes charged against any person whom the clerk of the commissioners shall certify to have appealed from a decision of the commissioners respecting his liability and to have given the bond required : *Provided*, That the clerk of the court to which the appeal was taken shall certify that it is pending and undecided. The sum so unliquidated shall be carried forward by the Auditor as a charge against a sheriff or tax collector on his next year's account, from year to year, until the decision of the appeal, after which they shall be collected and paid or balanced if the final decision be in favor of the appellant.

Deductions.

Proviso.

2. Taxes on personal property, certified by the clerk of the commissioners of the county, by order of the commissioners to be insolvent and uncollectable.

3. The amount of State tax on land, bid off by the State, with the cost attendant on the whole, on producing the certificate of the Secretary of State, as is provided for in section thirty of this act. The cost allowed shall be for making a deed fifty cents, for registering twenty-five cents and such other sums as were actually paid out by the sheriff.

4. All over payments made in former settlements by reason of any error in the clerk's abstracts of taxables.

5. Five per centum commission on the amount collected.

SEC. 37. *Compensation of sheriff on settlement :*

For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may be necessarily engaged therein at the city of Raleigh, and traveling expenses to and from said city, at the rate of ten

Compensation

cents per mile by the usual route of travel, said compensation and expenses to be paid on the warrant of the Auditor.

SEC. 38. *Penalty for failure to settle:*

Failure to settle.

In every case of failure by the sheriff or other accounting officer to settle his accounts within the time prescribed in this act for such settlement, and to take the oath required in his settlement, and pay the amount due the Treasurer and exhibit his receipt in full to the Auditor, the Auditor shall forthwith report to the Treasurer the account of such sheriff or officer and furnish him with a copy of the official bond of said officer and his sureties, deducting therefrom nothing for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the Treasurer, on motion of the Solicitor of the sixth judicial district, in the Superior Court of Wake county before the clerk thereof, within twenty days after the default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the office. And to the end that their obligations and names may be known, the clerk of the superior court shall, on or before the second Monday in September in each year, transmit to the Auditor a copy, certified under seal of the court of the bond of the sheriff and his sureties, upon pain, for his default, of forfeiting to the State one thousand dollars, which the Treasurer shall, and is hereby specially charged to collect in like manner and at such times as is provided in this section. If the sheriff or other accounting officer shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the State under section thirty of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be sentenced to pay a fine in the discretion of the court, and be imprisoned not less than three nor more than twelve months.

SEC. 39. *Sheriff's to pay county taxes, when :*

The sheriff or the tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hands over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained. On or before the eighth day of January in each year, the sheriff shall account with the county treasurer or other lawful officer for all taxes which have been collected by him for the county during the fiscal year, and on failing so to do, he shall pay to the county treasurer two per centum per month on all sums unpaid, and this shall be continued until final settlement. He shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom in like manner as is prescribed in subdivisions one, two, four and five of section thirty-six of this act, respecting his settlement of State taxes, and also the amount of county tax on land laid off for the State, on producing a certificate from the Secretary of State that a deed for the same has been deposited with him: *Provided*, That this section shall not be construed to repeal chapter sixty-six, laws of one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two.

County taxes when paid.

SEC. 40. *County Commissioners to appoint a committee to assist in settlements :*

The county commissioners, at the last regular or other subsequent meetings in each year, shall appoint one or more of their number to be present and assist at the accounting and settlements between the sheriff and county treasurer provided for in the next preceding section, and also to audit and settle the accounts of the county treasurer and of all other county officers authorized to receive or disburse the county funds. The accounts so audited shall be reported to the county commissioners, and when approved by them shall be filed with the clerk and recorded on his book, and

Committee to assist in settlement.

shall be *prima facie* evidence of their correctness and impeachable only for fraud or specified error: *Provided*, The compensation allowed said committee for their services shall not exceed two dollars per day each for the time actually spent in said settlement.

SEC. 41. *Penalty of sheriff for failing to account:*

Penalty for failing to account.

In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee as above required, or to pay what may be rightfully found due in such account, he shall forfeit and pay to the State, for the use of the county, a penalty of twenty-five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it, of the chairman of the county commissioners, to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties, to recover the amount owing by him and the penalty aforesaid: if the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section thirty-eight.

SEC. 42. *Other county officers, when to account, and penalty for failure:*

Other county officers.

In each year the county treasurer shall give five days' notice to all county officers (except the sheriff) authorized to receive and disburse the county funds, to appear at the court house of the county on a certain day during the first ten days of January, before him and the committee appointed by the county commissioners, and present an account of all sums received or disbursed for the county, with their vouchers; and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to the county commissioners at their next meeting, and if approved, shall be filed with the

clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

SEC. 43.

Wherever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been appointed, it shall be incumbent upon the tax collector to perform the said office instead of the sheriff, and such tax collector shall have all the emoluments, and be subject to all the penalties as provided in the case of sheriffs in this act.

When tax collector to collect.

SEC. 44.

The sheriff and (in case of his death) his sureties shall have one year and no longer from the day prescribed for his settlement and payment of the State taxes to finish the collection of all taxes; but the extension of time for collection shall not extend the time of his settlement of the taxes.

When sureties may collect.

SEC. 45.

That it shall be the duty of every person who peddles goods, wares, merchandise, drugs, nostrums or medicines and of whom a license for that purpose is required by law, upon demand of any constable or any justice of the peace of any township in which he shall vend or offer to vend, such commodities, to exhibit his license to such constable or justice of the peace, and upon failure to do so, every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and it shall be the duty of all constables and justices of the peace to arrest all persons peddling without the license required by law and to hold them to answer.

Peddlers to exhibit license.

SEC. 46. *When act goes into effect:*

This act shall be in force from and after its ratification.

Ratified this 14th day of February, A. D. 1874.

When in force.

CHAPTER CXXXIV.

AN ACT TO RAISE REVENUE.

Assessment of
taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That the taxes hereinafter designated, payable in the existing national currency, shall be assessed and collected under the rules and regulations prescribed by law.

Poll tax.

SEC. 2 On each taxable poll or male between the ages of twenty-one and fifty, except such as are both poor and infirm that the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of ninety-five cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law. If any poll tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable, sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable, or that may become due to him before the expiration of the calendar year; and the person owing such debt, or having such property in possession, shall be liable for said tax.

Limitation.

Object of taxation.

SEC. 3. The taxes hereinafter designated shall be applied to defray the expenses of the State government, and to pay appropriations to charitable and penal institutions.

CLASS I.

Classification.

SEC. 1. There shall be an *ad valorem* tax of sixteen and two-third cents (16 2-3) for the general fund on every one hundred dollars value of real and personal property in the State, subject to exemptions made by law, including moneys, credits, bonds, stocks, etc.

Lycium tax

SEC. 2. A special tax of nine cents on the one hundred dollars shall be levied and collected on all taxable property

of the State for the Insane Asylum, and the Institution for the Deaf, Dumb and Blind.

SEC. 3. A special tax of six cents on the one hundred dollars shall be levied and collected on all taxable property of the State, to be applied to the support of the convicts, and to a general prosecution of work connected with the Penitentiary. Penitentiary tax.

CLASS II.

The subjects and persons mentioned in the following second class shall be taxed as specially mentioned :

SEC. 1. On the net incomes and profits other than that derived from property taxed from any source whatever during the year preceding the first day of April in each year, there shall be a tax of one per centum. The income tax shall include interest on the securities of the United States, of this State or other States or governments. In estimating the net income the only deduction by way of expense shall be, Income tax.

1. Taxes other than the income tax due this State.
2. Rent for the use of buildings or other property or interest on encumbrance on property used in the business from which the income is derived. deductions.
3. Usual or ordinary repairs for the buildings from which the income is derived.
4. Cost or value of the labor, except that of the tax payer himself, raw material, food and all other necessary expenses incidental to the business from which the income is derived, together with the necessary expenses of supporting the family, which shall in no instance exceed one thousand dollars.
5. The tax payer shall return to the assessor the net amount of his income, which return the assessor shall file in the office of the county commissioners.

SEC. 2. That whenever in any law or act of incorporation granted either under the general law or by special act, since Repeal.

fourth July, one thousand eight hundred and sixty-eight, there is any limitation of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to full taxation, like property owned by individuals.

SCHEDULE B.

License tax.

The taxes in this schedule imposed are a license tax for the privilege of carrying on the business or doing the act named; and nothing in this schedule contained shall be construed to relieve any person from the payment of the *ad valorem* tax on his property, as required by the preceding schedule, and no city, town or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one and one-half per centum of the value thereof: *Provided*, That this act shall not apply to cities or towns where a rate of taxation is fixed in their charters.

Proviso.

Theatres.

SECTION 1. Travelling theatrical companies shall pay five dollars for each exhibition. When the theatrical exhibitions are by the season of not less than one month, the tax shall be fifty dollars per quarter.

Concerts.

SEC. 2. On each concert or musical entertainment for profit shall be paid five dollars, unless such concert, musical entertainment or lecture be given for religious or charitable purposes; on each lecture for reward, five dollars.

Museums.

SEC. 3. On museums, wax works or curiosities of any kind, natural or artificial, (except paintings and statuary,) on each day's and night's exhibition, shall be paid five dollars.

Circuses.

SEC. 4. On every exhibition of a circus or menagerie, for each day or part of a day, one hundred and fifty dollars; and for each side show or concert accompanying a circus or a menagerie, for which extra charge is made, twenty-five dollars for each day or part of a day.

Itinerant.

SEC. 5. On all itinerant companies or persons who exhibit for amusement of the public, otherwise than is mentioned

in the four preceding sections, five dollars for each exhibition or performance. Flying trapeze shall pay a tax of ten dollars annually. Exhibitions given without charge for admission shall be exempt, and provided that all fairs or exhibitions for the promotion of religious, educational or charitable objects, shall be exempt.

SEC. 6. On all gift enterprises, or on any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, ten dollars, and one per centum upon the gross receipts to be paid to the sheriff of the county. And on any lottery, whether known as a beneficial association or otherwise, five hundred dollars, and five per centum on gross receipts, to be paid to the Treasurer of the State. This tax shall not be construed as a license, or to relieve such persons or establishments from any penalties incurred by a violation of the law. Gift enterprises.

SEC. 7. Every agency of a bank incorporated out of the State, one hundred dollars, to be paid to the State Treasurer. Bank agencies.

SEC. 8. The tax on billiard saloons shall be twenty dollars on each table. Every place where a billiard table is kept for hire, shall be considered a billiard saloon, within the meaning of this act. Billiard saloons.

SEC. 9. On every bowling alley, or alley of the like kind, or bowling saloon, bagatelle table, or any other table, stand or place for any other game or play, with or without a name, unless such alley, stand, place or game is kept for private amusement or exercise alone, and not prohibited by law, there shall be a license tax of twenty dollars. Bowling alleys.

SEC. 10. Every dealer in spirituous or vinous liquors, porter, lager beer or other malt liquors, shall pay a tax of five per cent. on the amount of purchases of any and all of the liquors aforesaid on which a tax of like amount has not already been paid by some wholesale dealer in liquors, residing in this State, and conducting said business in this State: *Provided*, That any such wholesale dealer shall furnish each and every person buying liquors from said Liquor dealers.
Proviso.

dealer with a sworn certificate for each and every sale that he has paid the said tax as the law requires: *Provided further*, That no dealer shall be exempt from said tax who does not produce said certificate: *And provided further*, that no county shall levy for county purposes a greater sum than is hereby levied for State purposes. Any agent who offers any such liquors for sale shall pay a like tax on the value of all liquors of any description sold by him.

Retailers.

SEC. 11. Every person desiring to sell spirituous or malt liquors, wines or cordials, in quantities less than a quart, shall before engaging in said sale, obtain an order to the sheriff from the board of commissioners of the county in which he proposes to do business to grant him license, which orders they may grant or refuse, at their option, and if granted, he may take out license for not less than one year, and shall pay a tax therefor of twenty-five dollars. Every retail dealer of malt liquors only shall pay a license tax of fifteen dollars per annum, and all license granted under the provisions of this section shall expire at the end of twelve calendar months from the date thereof: *Provided*, This section shall not be construed to repeal or alter the provisions of any special act prohibiting or regulating the sale of liquors in any particular locality.

Merchants.

SEC. 12. Every merchant, jeweler, grocer, druggist and every other trader who, as principal or agent, carries on the business of buying or selling goods, wares or merchandise of whatever name or description, except such as are specially taxed elsewhere in this act, shall, in addition to his *ad valorem* tax, pay one-eighth of one per centum as a privilege tax on the total amount of purchases in or out of the State, and for cash or on credit, except the products of manufacturers agricultural products of this State, and no retail merchants shall be required to pay any tax on purchases made from wholesale merchants residing in this State. Every person required by law to list his purchases shall, on the first day of January and July in each year, list on oath to the register of deeds the total amount of his purchases for the preceding

Exception.

Persons to list taxes.

six months: *Provided*, That the persons mentioned in this section may make out in writing a list of their taxable property, and swear to the same before any justice of the peace for their county, and return the said list to the register of deeds. The register of deeds shall keep a book in which shall be recorded the lists given in to him as herein required, and shall furnish the sheriff with a copy of said lists within ten days after the same are given in. It shall be the duty of the sheriff to collect from every person on the list furnished him by the register of deeds the taxes embraced therein.

Proviso.

The register of deeds shall have power to require the merchant making his statement to submit his books for examination to him, and every merchant refusing, on demand, to submit his books to such examination shall be liable to a penalty to the State of two hundred dollars, to be prosecuted by the register of deeds, and recovered in any court having jurisdiction of the same. It shall further be the duty of the register of deeds to bring suit against every merchant refusing as aforesaid in the Superior Court of the county as may be prescribed for special proceedings, to the end of obtaining such examination and compelling payment of the proper tax. And for such service the register of deeds shall be entitled to fifteen cents for each return made by any merchant, same to be paid by the commissioners of the county.

Power of register.

Fees.

SEC. 13. On the gross receipts of hotels, boarding houses, (except those used for educational purposes) restaurants and eating houses, the tax shall be one-fourth of one per centum.

Hotels.

SEC. 14. The tax on public ferries, toll bridges and gates across highways, one-fourth of one per centum on gross receipts.

Ferries.

SEC. 15. Every money, or exchange, bond or note broker, private banker or agent of a foreign broker or banker, in addition to the *ad valorem* tax on their capital invested, or the tax on their net incomes, shall pay, if employing a capital of twenty thousand dollars, a license tax of one hundred dollars; if a capital of less than twenty thousand dollars and not less than ten thousand dollars, fifty dollars; and if a

Brokers.

capital of ten thousand dollars or less, a tax of twenty-five dollars, and also ten dollars additional for each county in which they have an agency; the tax to be paid to the State Treasurer, the license to be given by the Auditor.

Auctioneers.

SEC. 16. Every auctioneer on all goods, wares or merchandise, sold by himself or agent, whether by ascending or descending bids, or at public outcry, shall pay one per centum on the gross of his sales, subject to all the regulations and exemptions set forth in the eighth chapter of Battle's Revisal, entitled "Auction and Auctioneers," but this shall not apply to tobacco warehouse-men, who shall pay a license tax of twenty dollars a year, nor to persons who keep a warehouse exclusively for the sale of cotton, where all who wish may exhibit cotton for sale; but the person keeping such warehouse shall pay a license tax of fifty dollars: *Provided*, That if any tobacco warehouseman shall charge to account of sales of any patron or customer any item or sum under pretence or color of State taxes he shall be liable to a tax of one per cent. on gross amount of his commission on said sales, subject to exemptions of the said chapter.

SEC. 17. Every commission merchant shall pay a tax of one per centum on his commissions: *Provided*, That nothing herein contained shall apply to the sale of articles which are the agricultural production of this State: *Provided*, That when spirituous liquors, vinous or malt liquors are sold by commission merchants, they shall pay a tax of five per centum on their sales of said liquors.

Horses and vehicles.

SEC. 18. Every person whose occupation or business is to keep horses or vehicles for hire or to let, shall pay a tax of two dollars for every horse kept for that purpose at any time during the year, to be collected by the sheriff quarterly: *Provided*, That this section shall not apply to draymen.

Proviso.

Itinerant dentists.

SEC. 19. Every itinerant dentist, medical practitioner, portrait or miniature painter, daguerrean artists and other persons taking likenesses of the human face, five dollars for each county in which he carries on his business. Every

itinerant dealer in prize photographs or prizes of any kind one hundred dollars for each county in which said business is carried on.

SEC. 20. Every person that peddles goods, wares or merchandise, either by land or water, or any drugs, nostrums or medicines, or spirituous, vinous or malt liquors, whether such persons shall travel on foot or with a conveyance or otherwise, except manufacturers or their agents selling by sample, shall obtain from the commissioners an order to the sheriff to grant him peddlers' license to expire at the end of six months from its date, and the sheriff on production of a copy of such order, certified by the clerk of said commissioners, shall grant license for his county on receipt of ten dollars tax, to-wit:

1. That not more than one person shall peddle under the license.

2. That nothing in this section contained shall prevent any person freely selling live stock, vegetables, fruit, oysters, fish, books, charts, maps, printed music, or the articles of his own growth or manufacture within this State.

3. That nothing herein contained shall release peddlers from paying the tax imposed in this act, on persons who deal in the same species of merchandise, which tax shall be collected or received in the same manner as the case of other merchants and traders: *Provided*, That nothing herein contained shall be so construed as to require a tax to be paid by any person other than merchants and peddlers, for bartering cotton, iron, earthenware, yarns, salt and heavy cotton domestics.

SEC. 21. Every itinerant who deals in or put up lightning rods, ten dollars annually for each county in which he carries on business.

SEC. 22. Every company of gypsies or strolling company of persons who make a support by pretending to tell fortunes or begging, fifty dollars in each county in which they offer to practice any of their craft, recoverable out of any property belonging to any one of the company, but nothing

herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Drummers.

SEC. 23. Every drummer or traveling agent of any person who shall sell any spirituous, vinous or malt liquors, goods, wares or merchandise, with or without samples, whether delivered or to be delivered, except agricultural implements and fruit trees, and articles of his own growth or manufacture, shall, before making any such sale, obtain a license to sell one year from the Public Treasurer, by paying said Treasurer an annual tax of fifty dollars, but shall not be liable to be taxed in any county because of his sales.

Misdemeanors.

Any person violating the provisions of this paragraph shall be fined not exceeding fifty dollars, or imprisoned not exceeding one month, and shall forfeit and pay besides two hundred dollars to the sheriff, to be collected by distress or otherwise; one half of which shall be accounted for as other taxes, the other half for the use of the informer and the sheriff equally.

Bank officers,

SEC. 24. The chief officers of banks, including savings banks and private bankers, shall, in April and October of each year, certify on oath the amount of profits which have been earned, and shall pay on such profits five per centum to the State Treasurer; and such insurance companies as are incorporated by this State shall, in April and October of each year, certify on oath the amount of profits which have been earned, and shall pay on such profits five per centum to the State Treasurer. On failure to comply with the provisions of this section said banks, companies or persons shall pay as taxes two thousand dollars to be collected by the Treasurer of the State.

Insurance companies.

SEC. 25. Every insurance or assurance company not incorporated in this State doing business therein, shall pay an annual tax of two per centum to the Treasurer of the State upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the Governor, Auditor and Treasurer a sworn statement of investments in real property situate in this

State, or loans secured by mortgage to citizens of this State of an amount equal to one-half of such gross receipts, when the tax shall be one per centum, said tax to be paid semi-annually on the first day of July and January of each year. Each general agent shall be required on the above named days to make a statement to the Treasurer, under oath, that the amount by him returned is a full and correct statement of such six months. On failure to comply with the provisions of this section, every such company shall pay as a tax two thousand dollars, and the principal agent shall be liable therefor. Every such company shall be required to appoint a general agent, who shall obtain a license from the Treasurer before transacting any business therein, and before such license is granted the applicant shall show to the Treasurer his appointment as general agent under seal of the company and thereupon the license shall be granted by the payment of one hundred dollars, and such license shall be renewed annually by the payment of said sum. And it shall be the duty of said general agent to furnish each of his sub-agents with a commission authorizing him to do business. And any one found soliciting insurance without such commission shall be deemed guilty of a misdemeanor, and be fined not less than one thousand dollars, and imprisoned not less than ninety days. The agent effecting insurance shall, on the first days of July and January, make return to the register of deeds of the county in which the insurance is effected of all the business done by him during the preceding six months in said county, and shall pay to the sheriff the county tax assessed on such business. The general agent shall, also on the first days of July and January, make return to the register of deeds of each county of the amount of gross receipts for premiums received from such county, for such six months. It shall further be required of the general agent or his local agent to pay to the sheriff of each county the county tax assessed upon the gross receipts of premiums collected in such county which shall not exceed one per centum on such gross receipts, at the time and in the manner

as required by the State, and no municipal corporation shall be allowed to add any additional tax; and on failure to make returns or to pay as aforesaid, said agents shall pay twenty-five dollars for each policy effected or negotiated by him in such county: *Provided*, That no county or corporation shall be allowed to tax insurance agents for license.

Persons to list, &c.

SEC. 26. Every person required in this act to pay a tax on receipts or sales, shall list on oath to the register of deeds on the first day of January and July of each year, the amount of receipts or sales for the preceding six months, and the register of deeds shall keep a record of the same in a book kept for that purpose. The register of deeds shall, within ten days after the lists are given in, furnish the sheriff with a copy of said lists, and the sheriff shall immediately proceed to collect the taxes imposed upon the copy of lists furnished him. Any person failing to list his receipts or sales as required in this section, shall be subject to double tax, to be charged against him by the register of deeds and collected by the sheriff; and it shall be the duty of the sheriff to report all persons to the register of deeds who fail to list as is required by law. The register of deeds shall have the same power to compel such persons to submit their books for inspection as is conferred upon him in section twelve of this act in respect to merchants, etc., and the same penalties prescribed in said section twelve of this act are hereby imposed for refusal on the part of any person referred to in this section to submit his books when demanded.

Traders.

SEC. 27. No person shall follow any of the trades or professions taxed by this act, or in any other act imposing taxes on trades and professions and franchises, without first listing the same to the register of deeds, and obtaining a license from the sheriff of the county in which the trade or profession is to be followed, or the franchise enjoyed, or from the Treasurer of the State, when the Treasurer is required to grant a license; such license shall give to the person obtaining it the right to practice the trade or profession, or to enjoy the franchises therein specified, in the county of the

sheriff by whom it is issued and in none other, unless the law imposing the tax shall otherwise direct, for the term of twelve months from its date: *Provided*, That nothing in this section shall apply to licensed practicing physicians, lawyers or dentists. Proviso.

SEC. 28. The form of the license shall be in substance as follows: Form.

Received this — day of —, 18—, of —, — dollars, of which — dollars is the tax to the State of North Carolina, and — dollars is the tax to the county of —, for his license to practice the trade (or profession) of — until the — day of — next.

(Signed)

A. B.,

Sheriff of — County.

(Countersigned,)

C. D.,

Register of deeds for — County.

SEC. 29. No license issued by the sheriff shall be valid until the same shall have been exhibited to and countersigned by the register of deeds of the county, who shall receive for the services imposed on him by this act in reference to license, a fee of fifty cents from every person licensed. And the sheriff shall be allowed a fee of twenty-five cents for issuing license under this act. Valid license.

SEC. 30. The register of deeds shall keep a book in which he shall record the names of the persons licensed, the trade or profession to be followed or the franchise to be enjoyed, the date at which it begins to run and the amount of tax, and he shall annually during the month of September send a certified copy of such record to the Auditor of the State, who shall charge the sheriff with the amount so appearing due. If any register shall fail to perform the duty imposed on him, he shall forfeit to the State a penalty of two hundred dollars, to be recovered of him and the sureties to his official bond, on motion in the Superior Court for the county Duty of register.

of Wake; and on such motion, a certified copy of his official bond, and the certificate of the Auditor of the State setting forth his failure to make the required return, shall be *prima facie* evidence entitling the State to judgment in the absence of any sufficient defense.

Penalty for failing to take out license.

SEC. 31. Every person who shall practice any trade or profession, or use any franchise taxed by law of North Carolina without having first paid the tax and obtained a license as herein required, shall be deemed guilty of a misdemeanor, and shall also forfeit and pay to the State a penalty not to exceed twenty dollars, at the discretion of the court, and in default of the payment of such fines he may be imprisoned for not more than one month, at the discretion of the court, for every day on which he shall practice such trade or profession or use such franchise, except in such cases where the penalty is specially prescribed in this act; which penalty the sheriff of the county in which it has occurred shall cause to be recovered before any justice of the peace of the county.

Duty of sheriff.

SEC. 32. The sheriff shall immediately report to the register of deeds all sums recovered by him as penalties under this act, and the register shall add three-fourths of each penalty recovered to the record of license required to be kept by him; the other fourth the sheriff may retain.

Other professions.

SEC. 33. That in order to carry on any trade or practice any profession, or exhibit any circus, side show or any other amusement, or to enjoy any other subject named in schedule B not otherwise provided for, the person so practicing, exhibiting or enjoying or his agent, shall apply to the sheriff for a license, which shall be granted by the sheriff upon payment of the required tax, but shall not be valid until countersigned by the register who shall keep a record of the same and receive for his services fifty cents.

SCHEDULE C.

The taxes embraced in schedule C shall be listed and paid

as especially therein directed, and shall be for the privilege of carrying on the business or performing the acts named.

SEC. 1. Every express company shall make return to the Public Treasurer on or before the first Monday in January, April, July and October of each year of the entire gross earnings and receipts of such company within the State of North Carolina during the three months next preceding. The said report shall be verified by the oath of the chief officer or agent of the company at its principal office in this State. The said company shall, on or before the third Monday of each of the said months, pay on the gross receipts two per centum for each three months, and for failure to make such report or pay such tax the company shall pay as taxes two thousand dollars, to be collected by such sheriff as the public treasurer may designate by distress or otherwise.

Express companies.

SEC. 2. Every telegraph company doing business in this State shall, at the time and in the manner prescribed in the preceding section, make report of the entire receipts of said company within this State, and pay to the Public Treasurer two per centum for each three months, and in case of default of such report or payment, the company shall pay as tax one thousand dollars, to be collected by such sheriff as the Public Treasurer shall designate by distress or otherwise.

Telegraph companies.

SEC. 3. Whenever the seal of the State, of the treasury department, of a notary public, or other public officer except clerks of Superior Courts, required by law to keep a seal, shall be fixed to any paper except as is hereinafter excepted, the tax shall be as follows, to be paid by the party applying for the same: For the seal of the State, one dollar, to be collected and paid in the treasury by the Private Secretary of the Governor; for the seal of the State Department, fifty cents, to be collected by the Secretary of State, and paid by him into the treasury; for the seal of the Public Treasurer, to be collected by him and accounted for as other public moneys, fifty cents; for the seal of the Supreme Court, fifty cents, to be collected by the clerk and paid by him into the treasury; and for the seal of a notary public

Seals and scrolls.

or other public officer, twenty-five cents, to be collected and paid over by the said officers to the sheriff of the county where such seal is kept. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers the said tax shall be on scroll; seals affixed for the use of any county or State or other government, or used on the commissions of officers in the militia, justices of the peace or any public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the seal taxes may retain as compensation five per centum. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required, shall be guilty of embezzlement, and, on conviction, shall, be fined not more than five hundred dollars or imprisoned in the State prison, in the discretion of the court.

Commissions.

Marriage licenses.

SEC. 4. On each marriage license fifty cents, and on each marriage contract, mortgage deed, and deed in trust to secure creditors, where amount secured exceeds three hundred dollars, there shall be a tax of one dollar. The tax on marriage licenses shall be paid to the register of deeds when he issues the license, and the tax on the deeds to the judge of probate of the county in which the instrument is admitted to registration; but if in two or more counties, then in the county in which it is first registered. It shall be the duty of the judge of probate and register of deeds to render annually to the sheriffs during the second week in the month of September, sworn statements in detail of the taxes received by them, respectively under this section; and at the same time pay him the money thus received, less five per centum commissions, and thereupon the sheriff shall file the statement of the judge of probate with the register of deeds, and that of the latter with the clerk of the Superior Court: *Provided*, That mortgage deeds and deeds in trust made to secure amounts not exceeding six hundred dollars

Proviso.

shall not be subject to any tax under this section : *Provided*, That mortgage deeds, deeds in trust or other conveyances made to secure agricultural advancements shall not be subject to any tax under this section.

SEC. 5. On every charter of incorporation of any company Corporations. granted by the General Assembly other than those for charity, benevolence or literature or for religious purposes, where the corporation had power to become incorporate under the provisions of any general law, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars paid directly to the Public Treasurer. No company shall be organized under such special act of incorporation, without first obtaining a certified copy of such act from the Secretary of State, which shall be filed in the office of the said Secretary.

SEC. 6. Whenever any officer receives or collects a fine, Fines, penalty or forfeiture in behalf of the State, he shall within thirty days after such reception or collection pay over and account for the same to the clerk of the Superior Court, who shall forward such fine, penalty or forfeiture to the Treasurer of the Board of Education for the benefit of the fund for common schools.

SEC. 7. Any officer convicted of violating the preceding Penalty. tion shall be guilty of embezzlement, and may be punished not exceeding five years in the State prison, at the discretion of the court.

SEC. 8. All laws imposing taxes, the subjects of which are Repeal. revised in this act, and so much of chapter twenty-nine of Battle's Revisal as requires fines, forfeitures and penalties, to be paid to the county treasurer are hereby repealed : *Provided*, That this repeal shall not extend to the provis- Proviso. ions of any law, so far as they relate to the taxes listed or which ought to have been listed, or which may be due previous to the ratification of this act.

SEC. 9. All laws requiring taxes to be levied by the county Repeal.

commissioners on the first Monday in February of each year, are hereby repealed.

Auditor not to
make headings, &c.

SEC. 10. That the Auditor of this State shall not make or cause to be made any headings or blanks to or on the forms which he is required to supply to the several counties of the State other than such as are required and as are indispensably necessary under the provisions of this act, nor shall any taxes be levied directly or indirectly by the said Auditor, any law heretofore passed to the contrary notwithstanding, and if the Auditor shall be guilty of any violation of this section he shall, on conviction, be punished in the discretion of the court.

When in force.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1874.

CHAPTER CXXXV.

AN ACT TO ESTABLISH A BUREAU OF IMMIGRATION, STATISTICS AND AGRICULTURE.

Preamble.

WHEREAS, The Constitution of North Carolina, article three, section seventeen, provides, "There shall be established in the office of the Secretary of State, a Bureau of Agriculture, Statistics and Immigration, under such regulations as the General Assembly may provide": And whereas, The people of North Carolina laboring under so many disadvantages, for the want of means to develop and make known the great resources of the State, and deeply interested in having these objects more fully attained, are desirous of manifesting to the people of every section of this Union, and those beyond its borders, a willingness to offer them a safe and secure asylum within its broad limits: And whereas, It is the opinion of this General Assembly that the

people of the State of North Carolina greatly desire and will hail with delight the coming among us of all persons from the eastern, western and northern States or other countries, to assist in utilizing, developing and building up of the vast mineral, agricultural and manufacturing resources of the State; that kindness, sympathy and protection will be extended to all such as desire to become citizens or to invest capital among us.

SECTION 1. *The General Assembly of North Carolina do* Board.
enact, That the Secretary of State, the State Geologist, the Commissioners of Immigration, David G. Worth, of New Hanover county, Henry Nutt, of New Hanover county, John B. Gretler, of Guilford county, R. R. Bridgers, President Wilmington and Weldon, and Wilmington and Columbia and Augusta Railroads, Capt. S. H. Gray, of Craven county, Dr. W. J. Hawkins, President Raleigh and Gaston, and Raleigh and Augusta Air Line Railroads, E. M. Holt, Esq., of Alamance county, Col. Wm. Johnston, of Mecklenburg county, and Col. Edwin J. Alston, of Buncombe county, shall constitute a board of immigration, &c. The Secretary of State, by virtue of his office, shall be president of said board, with some member of the same as secretary, to record their proceedings and to make a report to the General Assembly. Secretary of State to be president.

SEC. 2. The Secretary of State is authorized to supply such numbers of printed copies of this act (with any circular matter appended thereto) as may be deemed necessary by the board, and distribute same in such manner as may be directed, to the end that the cause of immigration may be promoted: *Provided*, The expense incurred shall not exceed two hundred dollars. Secretary of State copies of this act. Proviso.

SEC. 3. This act shall take effect from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXVI.

AN ACT IN RELATION TO THE COUNTY OF FRANKLIN.

Electors.

SECTION 1. *The General Assembly of North Carolina do enact*, That the electors residing in that portion of the county of Franklin, detached from the county of Granville by act of the General Assembly, ratified the third day of March, one thousand eight hundred and seventy-three, shall at all elections, of whatever character, vote at Franklinton, in Franklinton township, of said county, until otherwise ordered by the board of commissioners of said county of Franklin.

Deeds, &c.

SEC. 2. That all deeds and other instruments relating to property in said territory, required or allowed to be recorded, shall be proved before the judge of probate of Franklin county, and shall be recorded in the office of the register of deeds of Franklin county.

When in force.

SEC. 3. That this act shall be in force and effect from its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXVII.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES.

Prohibited at the following places.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell or in any manner give away any intoxicating liquors, or either directly or indirectly to receive any compensation for the same within four miles of Mount Pisgah Baptist church in Buncombe county; Antioch church in Cumber-

land county; Gilead church in Mecklenburg county; the court house in Mitchell county; Bethel Presbyterian church, Montpelier church or Ten Mile Swamp Baptist church in Robeson county; Stump Sound church, Yappo meeting house in the county of Onslow; Elam Baptist church in Northampton county; and Zion Methodist church in Brunswick county; or within three miles of the Methodist church, in Abbottsburg; Cape Fear Academy, in Maysville, or Shady Grove Baptist church, in Bladen county; Sharon Methodist church, New Britton Baptist church, Pleasant View Baptist church, or any private or public school house while a school is being taught thereat, in Shallotte township, in Brunswick county; Post Oak church, in Swift Creek township, Craven county; Gray's Creek or Sherwood church, in Cumberland county; or Willis Creek church, near the line of Cumberland and Bladen counties; the court house site, in Graham county; Mountain Creek church, in Granville county; Friendship church, in Harnett county; Fanning's chapel, or the court house, in Henderson county; Fellowship church, in Johnston county; the court house, in Jones county; Union church, Grant township, New Hanover county; Randleman's factory, in Union village, Randolph county; Beaver Dam, Caledonia, Concord, Green chapel, Hebron, Laurensburg, Lethee, Nebo, Pee Dee, Philadelphia, or St. John's church, or the court house, in Richmond county; Euin Baptist church, or the court house, in Transylvania county; Wake Forest College, in Wake county; or the Baptist church, at Rolesville, in Wake county; or Jack's Creek Free Will Baptist church, in the county of Yancey; Deep Creek church, in Anson county; Neill's Creek Baptist church, in Harnett county; or within two and one half miles of St Andrew's Presbyterian church, Cameron Baptist or Moore's chapel church, in the county of Moore; or within two miles of Bethel, Cedar Creek, Concord, Long Pine or Sandy Plains church, or the Methodist church at New Forestville, in Anson county; the court house, in Ashe county; Brier Branch, White oak or Windsor church,

Prohibited at the following places.

Richman

Prohibited at the following places.

in Bladen county, Episcopal church at Somerville, the Methodist church at Shallotte Camp Ground, Zion church in Town Creek township in Brunswick; the Episcopal church on the lands of John Kainberly, or the Methodist church near the lands of J. V. Baird in Buncombe county; Mount Vernon Springs Academy, Chatham county; Reid's church in Davidson county; Greenwood or Rock Spring church in Granville county; Clarella Institute in Greene county; Iron Furnace, near Buckhorn, in Harnett county; Rush Academy in Hyde county; Savannah Baptist church, Wesleyan Methodist church or Zion Hill Baptist church in Jackson county; Oakland or Shiloh church in Johnston county; Hill's Chapel in Lincoln county; the court house in Macon county; Caldwell Presbyterian church in Mecklenburg county; Grassy Creek Roane Mountain church, in Mitchell county; Balermo school house, or Tabernacle church in Onslow county; Holly Grove or Silver Green church, in Richmond county; Claiborne Baptist church in Robeson county; Shady Grove Baptist church in Sampson county; Methodist church at Centre or Mount Olive Baptist church in Stanly county; each and every place of religious worship in Stokes county; the court house in Surry county; Bethel church in Union county; Macedonia church in Wake county; the court house in Watanga county; Hood's Swamp meeting house in Wayne county; the Court House in Wilkes county; Caney Mountain church, in the county of Yancy; Bethel church in Macon county; Boonville in Yadkin county; Rehoboth church in Northampton county; Helton camp ground in Ashe county; Back Swamp Baptist church in Robeson county; Towns Creek Baptist church, Mount Airy, and the Baptist church in the town of Dobson, in Surry county; Green Mountain church in McDowell county; Tirzah church in Union county; Franklinville Methodist church, and the court house in Ashboro, Randolph county; Oak Grove church in Beaufort county; the Baptist church at Falls of Tar river, in Nash county, except the corporation of Rocky Mount; Frank-

lin Male and Female High School, Franklin, Macon county ; or within one and a half miles of Granite Factory and mill, in Alamance county ; or Wayman Chapel in Wake county ; Pleasant Grove Camp Ground, Granville county ; Wayman's Chapel and Mount Hermon, Wake county ; or within one mile of Stony Point church, Alexander county ; Gulf Mills in Chatham county, Charity church, Island Creek church, Island Creek school house or Mt. Zion church in Duplin county ; Sassafras Fork Episcopal church in Granville county ; Centre Presbyterian church, Coddle Creek Associated Reformed Presbyterian church in Iredell county ; the court house in Madison county ; Biddle Memorial Institute in Mecklenburg county ; White Childrens' school house in Pamlico county ; McGill's church, Mt. Gilead church or the court house in Montgomery county ; Fork church in Davie county ; Meadow Branch church in the county of Union ; Ebenezer church, Bethel church and Palmyra church in Halifax county ; Rocky Springs Camp Ground and church, Liberty church and camp ground, and Bethel church and camp ground in Alexander county ; Raft Swamp Baptist church in Robeson county ; Pleasant Hill Protestant Methodist church, Mecklenburg county ; or one-fourth of a mile of any church in Currituck county, except the two churches at Powel's Point ; or within three hundred yards of the Christian church at Morrisville, Wake county ; or within a parallelogram measuring three-fourths of a mile North and South and one half mile East and West, of which W. C. Petty's Sash and Blind Factory, in Bush Hill in Randolph county shall be the centre ; *Provided*, That nothing herein contained shall work a prohibition at Reid's church, Davidson county, Brier Branch, White Oak or Windsor church, in Bladen county ; Christian Plain church in Columbus county ; Caldwell Presbyterian church in Mecklenburg county ; at any point named in Yancey county or in the county of Stokes ; Pleasant Hill church in Mecklenburg county ; Shady Grove Baptist church in Sampson county, except on days of public worship thereat.

Prohibited at the following places.

Proviso.

When lawful to sell.

SEC. 2. That section one of chapter one hundred and seventy-two, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended so as to read as follows: It shall be unlawful for any person or persons to sell or in any way or manner give away any intoxicating liquors so as either directly or indirectly to receive any compensation for the same within three miles of the railroad warehouse in Franklinton, Franklin county; Baptist Chapel church and Wesley Chapel church, in Sampson county; or within two miles of Solomon Seymour's store house, in Chatham county; Friendship church, in Guilford county; the court house, in Jackson county; Mageer's church or White Oak church, in Sampson county; the court house site, in Swain county; or within one mile of the court house, in Alleghany county; or within the corporate limits of Kenansville, in Duplin county; Oxford, in Granville county; Waynesville, in Haywood county; Clayton, in Johnston county; or Durham, in Orange county; or within two miles of the corporate limits of Clayton or Durham aforesaid; or within Sulphur Springs township, in Buncombe county; or within half a mile of Boonville Baptist church, in Yadkin county; and the depot at Old Fort, McDowell county: *Provided*, Nothing herein contained shall have any force or effect in either of the localities named in this section until submitted to the qualified voters in each of said localities respectively on the first Monday in May next, and on the first Monday in May in each year thereafter and ratified by a majority thereof.

Proviso.

Way to hold elections.

SEC. 3. In incorporated towns and villages named in section two of this act, it shall be the duty of the mayor, if there be one acting, if not then of the town commissioners, if there be such acting, to hold the elections herein provided for at the time named in their respective localities.

Trustees to hold election

SEC. 4. In such places as are named in section two of this act as have neither an acting mayor or commissioners, the election provided for herein, shall be held by and under the

direction and management of the board of trustees in their respective localities.

SEC. 5. At any election held under the provisions of this act, those voting affirmatively shall vote a written or printed ticket, whereon shall be the word "prohibition;" those voting in the negative shall use a like ticket with the words "no prohibition" thereon. Style of voting.

SEC. 6. At any election held under the provisions of this act, if a majority of the qualified voters in either of the localities named in section two of this act shall vote in favor of "prohibition," in every such locality this act shall immediately thereafter be in full force and effect. When this act in full force.

SEC. 7. If by any inadvertence or from any other cause the elections herein provided for, or any of them, should not be held on the first day of May in any year, then and in that case after twenty days notice, signed by three or more electors, residents in either of said localities and posted at three points in such locality, any such election may be held. Failure to hold elections.

SEC. 8. That the words "or Peacock's store," found in line thirty-one, or "Lumberton, in Robeson county," found in lines forty-six and forty-seven, and the words "or Lumberton," found in lines forty eight and forty-nine, Cumberland Union church, Cumberland county; the Paper Mills at the Falls of Neuse, in Wake county, of section one, chapter one hundred and seventy one, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be, and the same are hereby stricken out and repealed. Repeal.

SEC. 9. Any person or persons violating any of the provisions of this act or of chapter one hundred and seventy-one, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled "An act to prohibit the sale of intoxicating liquors in certain localities," shall be guilty of a misdemeanor, and upon conviction before any acting justice of the peace having jurisdiction, shall be punished by a fine not less than ten dollars, or more than fifty dollars, or by imprisonment of not less Fine and imprisonment.

Proviso.

than ten days or to exceed one month: *Provided*, That if the offender is not brought to trial before some justice of the peace having jurisdiction of the offence, within six months after the commission of the same, the Superior Court in term time, for the county in which the offence is committed, may take jurisdiction of the same, and punish the offender in the discretion of said court; but nothing herein contained shall be construed to interfere with the original jurisdiction of justices of the peace.

Secretary of State to furnish copies.

SEC. 10. The Secretary of State shall immediately after the passage of this act furnish certified copies of the same to the "Sentinel," "Era," and "News," for publication.

When in force.

SEC. 11. This act shall be in force after the first Monday in May, one thousand eight hundred and seventy-four.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXXXVIII.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN TOWNSHIPS WHERE THE PEOPLE SO DETERMINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the county commissioners of any county, upon petition of one-fourth of the qualified voters of any township in their respective counties, to order an election to be held on the first Monday in May in every year, to ascertain whether or not spirituous liquors shall or may be sold in said township or townships.

SEC. 2. That it shall be the duty of the sheriffs of each county to hold such township elections when so ordered under the same rules and regulations as are prescribed by law for holding elections for members of the General Assembly, so far as the same may be applicable, except as herein modified.

When commissioners to order election.

Sheriff to hold election.

SEC. 3. That any person allowed by law to vote for mem- Voters.
bers of the General Assembly shall have the right to vote
at such elections in the township in where he is allowed by
law to vote, and every such voter who favors the prohibition
of the sale of spirituous liquors in his township shall vote a
ticket on which shall be written or printed the word "Pro-
hibition," and every such voter who favors such sale shall
vote a ticket on which shall be written or printed the word
'License.'

SEC. 4. That on the day next after any such election shall Inspectors.
be held the inspectors of such election and a justice of the
peace of the township shall compare the votes polled in the
township, and certify the number of votes cast in favor of
"Prohibition," and the number in favor of "License," and
the result of such election to the register of deeds of the
county, who shall first carefully copy such certificates in a
book to be prepared and kept for that purpose, and then file
the same among the papers of his office, and a certified copy
from the book in which such certificate is so registered, un-
der the hand of the register of deeds and the seal of the
county shall be sufficient evidence in all cases and courts in
this State of the result of such election in the township to
which the same may refer.

SEC. 5. That if a majority of the votes cast at any such No license.
election, in any township, shall have written or printed on
the same the word "prohibition," then and in that case it
shall not be lawful for the county commissioners to license
the sale of spirituous, or for any person to sell any spirituous
liquors within such township, for one year next after any
such election, and if any person so prohibited shall sell any
spirituous liquors within such township, such person offend-
ing shall be deemed guilty of a misdemeanor, and on con-
viction of such offence, shall be fined not exceeding fifty
dollars or imprisoned not exceeding one month, but if a
majority of the votes so cast, shall have written or printed
on the same the word "license" then spirituous liquors may
be sold in such townships as now provided by law, and not

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Wm. S. Math

Proviso.

otherwise: *Provided*, That nothing herein contained shall affect localities in which the sale of spirituous liquors are prohibited by law.

Sheriff to designate justice.

SEC. 6. The sheriff shall designate the justice of the peace in each township to aid in comparing and certifying the vote cast at any such election, and the register of deeds shall designate inspectors of elections in each township; in case he shall fail the sheriff or his deputies shall make such appointments, and if any officer or other person shall fail to discharge any duty imposed by this act, such person offending shall be guilty of a misdemeanor, and on conviction in the Superior Court, fined in the discretion of the court.

Register to designate inspector.

When in force.

SEC. 7. That this act shall take effect and be in force from and after the first day of April, one thousand eight hundred and seventy-four.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXIX.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING DRINKS WITHIN TWO MILES OF THE COURT HOUSE, IN THE TOWN OF SHELBY, CLEVELAND COUNTY.

Elections.

SECTION 1. *The General Assembly of North Carolina do enact*, That an election shall be held on the second day of April next at the court house, in the town of Shelby, under the supervision of the sheriff of Cleveland county, the register of deeds and the Superior Court Clerk, for the purpose of determining whether intoxicating drinks shall be sold within the corporate limits of said town or within two miles of said court house. It shall be the duty of said supervisors to give public notice by written advertisement at the court house door and three other public places within said

limits of said election for at least ten days prior to the same. All persons who are by existing law entitled to vote at the regular election, and who reside within two miles of said court house, shall be entitled to vote at said election. The tickets shall be printed or written. Those who vote against the sale shall vote a ballot with the word "prohibition" written or printed on it. Those who favor sale a ballot with the words "no prohibition." The result of the election shall be certified by the sheriff to county commissioners, and if a majority of said votes be cast in favor of prohibition, then and in that case it shall be unlawful for the county commissioners of Cleveland county to grant license to any one to sell intoxicating drinks in the corporate limits of said town and within two (2) miles of said court house; and no person shall be allowed to sell the same except practicing physicians for medicinal purposes only.

SEC. 2. It shall be the duty of said supervisors to keep the votes cast within the corporate limits of said town of Shelby separate and apart from those cast outside of the same; and in case a majority of the whole vote cast within two miles of the court house should result in a majority against prohibition, but a majority of the votes cast within the corporate limits of the town of Shelby shall be in favor of prohibition, then the provisions of section first of this act shall extend to the corporate limits only.

SEC. 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before the proper authorities shall be fined not less than one hundred dollars or imprisoned thirty days or both at the discretion of the court. Fines and penalty.

SEC. 4. All laws or parts of laws, acts and clauses of acts in conflict with this act, are hereby repealed. Repeal.

SEC. 5. This act shall be in force from and after its ratification. When in force.}

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXL.

AN ACT IN FAVOR OF THE NORTH CAROLINA INSTITUTION FOR
THE DEAF AND DUMB AND THE BLIND.

Auditor to give
warrant for \$500.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Auditor of State is hereby authorized and directed to give a warrant in favor of the Treasurer of the North Carolina Institution for the Deaf and Dumb and the Blind on the Treasurer of State for five hundred dollars, being amount of balance due said institution of the appropriation made by the General Assembly for the year ending December thirty-one, one thousand eight hundred and seventy-three, said amount having been deducted by the Auditor from said year's appropriation on account of excess of appropriation drawn by the institution for the year one thousand eight hundred and sixty-nine, and the Treasurer of State is authorized to pay the same.

When in force.

SEC. 2. This act shall be in force from and after its ratification

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXLI.

AN ACT ENTITLED AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONERS OF WILKES COUNTY TO ISSUE BONDS.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the words "one tenth" wherever they occur in

said act be stricken out, and the words "one fifth" substituted in their stead.

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXLII.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURT
OF CUMBERLAND COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That chapter one hundred and forty-nine, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be, and the same is hereby repealed. Repeal.

SEC. 2. That the time for holding the Superior Court in the county of Cumberland shall be the fourteenth Monday after the second Monday in February and August respectively, said terms to continue for two weeks unless the business shall be sooner disposed of. Time of holding court.

SEC. 3. That this act shall be in force from and after the first of March, one thousand eight hundred and seventy-four. When in force.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXLIII.

AN ACT TO AMEND SECTION THIRTEEN, CHAPTER TWENTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT, (SECTION THIRTEEN, CHAPTER TWENTY-SEVEN, BATTLE'S REVISAL.)

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirteen, chapter twenty, laws of one thousand eight hundred and sixty-eight, (section thirteen, chapter twenty-seven, Battle's Revisal,) be amended by striking out "and" between "court house," and "to" in the second line and insert "or."

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXLIV.

AN ACT CONCERNING THE PURCHASE OF THE PUBLIC STATIONERY.

Mode of purchasing Stationery discontinued.

SECTION 1. *The General Assembly of North Carolina do enact*, That the present mode of purchasing books, paper, stationery, &c., by the Secretary of State be and the same is hereby ordered to be discontinued; and the Secretary of State is hereby empowered and directed hereafter to purchase the books, paper, stationery and other necessary articles in that line in the usual manner, for the use and benefit of the State, as provided for in the Revised Code, chapter one hundred and four, sections six (6) and seven (7).

Repeal.

SEC. 2. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed, and that this act shall go into effect immediately upon its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXLV.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIVE, (205)
SECTION TWO OF PUBLIC LAWS, ONE THOUSAND EIGHT HUN-
DRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED
AND SEVENTY-ONE.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That chapter two hundred and five, section two of
public laws of one thousand eight hundred and seventy and
one thousand eight hundred and seventy-one, be amended by
adding to said section the following, to-wit: *Provided*, That Proviso.
such persons as now or may hereafter own land in directly
opposite banks of the river named in section one of the
above entitled act, be and are hereby exempt from the pro-
visions of said act.

SEC. 2. This act shall be in force from and after its ratifica- When in force:
tion.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXLVI.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF JONES
COUNTY TO LEVY SPECIAL TAX.

SECTION 1. *The General Assembly of North Carolina do* Special tax.
enact, That the board of county commissioners of Jones
county are hereby authorized and empowered to levy a
special tax on all subjects of taxation in said county not to
exceed three thousand dollars, for the purpose of paying the
indebtedness of the county.

SEC. 2. The said taxes shall be levied, collected and Accounted for as
accounted for as the laws direct. other taxes.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXLVII.

AN ACT TO LEGALIZE THE ACTS OF THE SCHOOL TRUSTEES OF
KERNERSVILLE TOWNSHIP IN FORSYTHE COUNTY.

Acts legalized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the acts of the school trustees of Kernersville township in Forsythe county, in collecting taxes for school purposes in one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, are hereby declared to be legal and the said trustees declared to be not liable for any criminal action or indictment for the same.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXLVIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-SEVEN
LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT
AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*,, That section twenty of chapter one hundred and ninety-seven, laws of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine be

amended by striking out the word "twenty" in line "nine" and inserting "ten" and by striking out "twelve" in line "seventeen" and inserting "six"

SEC. 2. That this act shall be in force from and after its ratification. When in force:

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXLIX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOUR SECTION FORTY-ONE BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That chapter one hundred and four (104) section forty-one (41) "Battle's Revisal" be amended by adding at the end of said section the following, "and all regular physicians licensed and practicing according to law."

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CL.

AN ACT FOR THE RELIEF OF THE SHERIFFS OF ALEXANDER COUNTY AND OF WATAUGA COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Relief.
enact, That H. W. Mays, sheriff of Alexander county, and John Horton, sheriff of Watauga county, be allowed until the first day of July, one thousand eight hundred and seventy-four, to make final settlement with the county treasurer:

Proviso. *Provided*, Seventy-five per cent. of the county taxes are paid by these sheriffs respectively on or before March first, one thousand eight hundred and seventy-four.

When in force. SEC. 2. This act shall take effect from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLI.

AN ACT TO BE ENTITLED AN ACT IN RELATION TO CERTAIN INSANE PERSONS.

How insane provided for.

SECTION 1. *The General Assembly of North Carolina do enact*, That in case any insane person is denied admission to the Insane Asylum on account of the want of room therein and it shall be made to appear to the satisfaction of the county commissioners in any such county, upon the sworn testimony of at least three respectable and creditable witnesses, that such person is insane and needs the care and custody of some sane person, then and in that case said commissioners shall give the care and custody of such insane person to some discreet person, the next friend or next of kin of such insane person to be preferred: *Provided*, The testimony herein required shall be supported by the written certificate of at least two regular practicing physicians in support of the allegation of insanity.

Proviso.

SEC. 2. The county commissioners in any county, for the support of any such insane person, are hereby authorized to make out accounts and transmit them to the Auditor of State, which shall be audited and paid by the Treasurer: *Provided*, Such accounts shall not exceed the rate of one hundred dollars per annum and shall only be offered semi-annually.

Auditor to draw warrant.

Proviso.

SEC. 3. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLII.

AN ACT CONCERNING THE ANNEXATION OF A PORTION OF THE COUNTY OF BEAUFORT TO THE COUNTY OF PAMLICO.

SECTION 1. *The General Assembly of North Carolina do enact,* That on the first Thursday in March, one thousand eight hundred and seventy-four, in Goose Creek Island township, in the county of Beaufort, an election shall be held under the rules and regulations for the election of members of the General Assembly, for the purpose of allowing the qualified voters of Goose Creek Island township to vote upon the annexation of said township to the county of Pamlico. Annexation.

SEC. 2. That each voter shall have written or printed on his ticket or ballot "annexation" or "no annexation," and should there be a majority of votes cast for annexation, that portion of Beaufort county known as Goose Creek Island shall, from and after that day, become a portion of the county of Pamlico. Decided by ballot.

SEC. 3. That within six days from the said day of election the inspectors of the election shall make returns of said election to the commissioners of the county of Beaufort, whose duty it shall be to immediately apprise the commissioners of the county of Pamlico of the result of said election. Inspectors.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed. Repeal.

SEC. 5. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CLIII.

AN ACT TO BE ENTITLED AN ACT TO AMEND SECTION TWENTY-FIVE (25), SUBDIVISION FIVE (5), CHAPTER ONE HUNDRED AND FIVE (105), OF BATTLE'S REVISAL.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty-five (25), subdivision five of Battle's Revisal, be amended to read as follows: Recording each order of commissioners ten cents, and if over one copy shall for every one over ten cents.

Fee.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BLADEN COUNTY TO LEVY A SPECIAL TAX IN ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Special tax authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of Bladen county are hereby authorized and empowered to levy a special tax on all the subjects of taxation in said county, not to exceed three thousand dollars, to pay the outstanding indebtedness of the county, said tax to be levied and collected, when the regular taxes are. The constitutional equation between property and polls be observed.

When to be levied.

SEC. 2. Said tax not to be levied unless the financial condition of the county be found to require it.

SEC. 3. That this act shall be in force from and after its When in force.
ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLV.

AN ACT IN REFERENCE TO THE COURTS OF MARTIN AND BERTIE
COUNTIES.

SECTION 1. *The General Assembly of North Carolina do* Concurrent juris-
enact, That the Superior Court of Martin county, be, and diction.
the same is hereby invested with concurrent jurisdiction with
Bertie county to try and punish all persons for any misde-
meanor committed in the territory known as the River
Pocosin Gland, in Bertie county.

SEC. 2. Said Gland is bounded as follows, viz.: beginning Boundary.
at the mouth of Broad creek, in the Roanoke river, and run-
ning up said creek to the mouth of Cut Cypress, thence up
Cut Cypress to the Roanoke river, thence down said river
to the beginning.

SEC. 2. This act shall be in force from and after its ratifi- When in force.
cation.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLVI.

AN ACT TO INCORPORATE THE WILMINGTON, RALEIGH AND
ROXBORO' RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That John C. Heger, John Thornton, J. P. Richards,

A. A. McKay, J. A. Engelhard, A. A. Willard, David Murchison, George Williams, Oscar Parsley, W. H. Bernard, Donald McKay, Luke Powell, Silas N. Martin, their associates and successors are hereby constituted a body politic and corporate by the name of "The Wilmington, Raleigh and Roxboro' Railroad Company," with all the rights, powers and privileges and franchises incident or belonging to corporations as set forth in the first, second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations."

Powers and privi-
leges.

SEC. 2. That said company shall have the rights of building and constructing a railroad to be used and operated by steam between the city of Wilmington or some point in the vicinity thereof, and the town of Roxboro', in the county of Person, with power to extend the same to such point on the Virginia line as the said company may select.

Location of road.

SEC. 3. That the said railroad may be located on such routes as the company shall determine: *Provided*, It shall pass through or within one mile of the city of Raleigh; and for the purpose of locating and constructing such road, said company shall have, enjoy and exercise all the rights, powers and franchises, and be subject to the limitations and restrictions set forth in sections from nine to thirty-three, both inclusive of the sixty-first chapter of the Revised Code, entitled "internal improvements."

Capital.

SEC. 4. That the capital stock of said company shall be one million of dollars, which may be increased to any sum not exceeding three million, as said company may from time to time determine, and the same shall be divided into shares of fifty dollars each.

Subscriptions.

SEC. 5. Counties, towns, cities and the several townships through which said railroad may pass, are severally and respectfully allowed and authorized to subscribe to the capital stock of said company in such amounts as the several governments thereof may determine: *Provided*, The question is submitted to the people thereof at the next ensuing regu-

lar election for county officers, and the subscription so made is ratified by a majority of the votes cast thereon.

SEC. 6. That a majority of the incorporators herein made may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as they may determine, and to that end any five of said incorporators may, by ten days notice in two newspapers, published, one in the city of Wilmington and one in the city of Raleigh, call a meeting of said incorporators to be held in the city of Wilmington.

Books of subscription.

SEC. 7. That as soon as the sum of one hundred thousand dollars have been subscribed to the capital stock as aforesaid, and five per cent. thereon has been paid in cash, any five of such subscribers may on twenty days notice in two newspapers, as specified in section six, call a general meeting of the company to be held in the city of Wilmington, at which a board of directors, consisting of not less than six, nor more than twelve, shall be chosen for the direction and management of the affairs and business of said company. Such directors shall hold their offices for one year, and until their successors are chosen such directors shall choose one of their number to be president, whose term of office shall be one year and until his successor is chosen.

Meeting, &c.

SEC. 8. That the Wilmington and Raleigh and Roxboro' Railroad Company shall have all the rights, privileges, powers and franchises conferred in the Wilmington and Weldon Railroad Company by its original charter and amendments thereto: *Provided*, That nothing in this section shall be so construed to exempt the said corporation from taxation.

Powers and privileges of W. & W. R. R.

SEC. 9. That said company shall have the rights to carry persons and things of whatsoever description on their railroad, and on any vessels or steamboats, they may see fit to buy, charter and use at such rates, charges and tolls as may be fixed by the board of directors thereof, and said company may lease and farm out such rights to any person or corporation whatever.

Transportation

Gauge of road.

SEC. 10. That the gauge of said railroad shall be such as the company may determine, and may from time to time be changed in their discretion.

Exist for ninety-nine years.

SEC. 11. That said company shall continue and exist for a term of ninety-nine years.

SEC. 12. This act shall take effect from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLVII.

AN ACT TO AMEND SECTION THIRTEEN, CHAPTER TWENTY-SEVEN OF BATTLE'S REVISAL.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirteen, of chapter twenty-seven, of Battle's Revisal be amended so as to read as follows: The board shall cause to be posted at the court house and at the most public place in each township in the county, and also if they think proper, shall cause to be published in one or more county newspapers if there be any, within five days after the regular September meeting for at least four successive weeks, the name of every individual whose account shall be audited by them, the account claimed and the amount allowed, and also at the same time a full statement of county revenue and charges, showing by items the income from every source and the disbursements on every account for the past year, together with the permanent debt of the county, if any, when contracted, and the interest paid or remaining unpaid thereon.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CLVIII.

AN ACT FOR THE GOVERNMENT OF THE PENITENTIARY.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of prosecuting the work, and maintenance of the convicts of the penitentiary, the board of directors are hereby authorized to issue their warrant upon the Treasurer, to be approved by the Governor for an amount not to exceed eight thousand (8,000) dollars per month, the same to be paid out of the money appropriated for penitentiary purposes, but not to exceed in the aggregate that provided in revenue act.

Directors to issue warrant, &c.

SEC. 2. That the board of directors are hereby directed to use all diligence in the prosecution to an early completion, at least one wing of the State prison, in order to afford accommodation for as many convicts as possible at the earliest day practicable.

Prosecution of work.

SEC. 3. That so much of chapter one hundred and fifty-seven laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, ratified March third, one thousand eight hundred and seventy-three as diverts the original plan for the construction of the penitentiary, and requires the same to be built of brick, and is otherwise inconsistent with the provisions of this act, be and the same is hereby repealed. And the board of directors are hereby authorized in the prosecution of the main building of the penitentiary to conform to the original plan with such alterations as to sewerage and heating as the architect may advise: *Provided*, That the expensive embellishments contemplated on the administration building is hereby excluded.

Repeal.

Board to conform to original plan.

Proviso.

SEC. 4. That there shall be erected such temporary workshops, foundry and machine shops, as may be deemed necessary and expedient in the prosecution of the work herein provided for.

Doors.

SEC. 5. That the iron doors and frames shall be manufactured within the enclosure, and the frames shall be made of cast iron, if in the judgment of the architect, it shall be wise and economical.

Agricultural implements.

SEC. 6. That if in the opinion of the board of directors, the manufacture of agricultural implements can be made and disposed of to advantage by unemployed convict labor, the same is hereby instructed and authorized to so employ such labor. And they are hereby authorized to enlarge the manufactory of tin ware, if in their judgment it is advisable.

Steward.

SEC. 7. That the steward is hereby directed to consult with the board of directors in the purchase of supplies and materials for the penitentiary, and such purchases shall be made at wholesale and on the most favorable terms. And upon the delivery of all articles of supplies, such as bacon, flour, corn, meal, sugar, coffee, pork, beef, leather, tin, plate or any other materials whatever, shall take a voucher from the architect in charge, which voucher shall be filed in his office, and the board of directors shall not allow any disbursements in the absence of such voucher. The quantity of sugar issued shall be restricted to not more than two (2) ounces per day to each guard or overseer, with such additional amount as may be indispensably necessary for hospital purposes, which shall be issued only on the requisition of the prison physician, of which the steward shall keep a separate account, which must correspond with such requisition.

Supplies.

Examinations

SEC. 8. It shall be the duty of the board of directors to make a quarterly examination of the accounts and inspect the various departments of the Institution, with the view of having a strict observance of the provisions set forth in foregoing section and record the result of such investigation, which they shall submit in their annual report to the General Assembly.

Shoe department.

SEC. 9. The board of directors are directed to make an examination in the shoe department of the prison, and if in their opinion shoes can be purchased cheaper than made in

the enclosure, are authorized to discontinue the manufacture as heretofore.

SEC. 10. For the present as the cells are completed, wooden bedsteads shall be used, but in the construction of the cells the architects shall make provision for the substitution of iron bedsteads when circumstances will justify. And the board of directors are hereby authorized to cancel the contract previously made for iron bedsteads.

Bedsteads.

SEC. 11. That any person who shall bring into or sell within the Penitentiary enclosure any spirituous liquors, not authorized by the physician for the use of the hospital, and every overseer, guard or officer employed in or about the prison, who shall suffer it knowingly to be brought in or sold, contrary to the foregoing provision shall be guilty of a misdemeanor, and, on conviction thereof before any justice of the peace of the county of Wake, shall be fined not less than twenty five (25) dollars or imprisoned more than thirty days, and if an officer or employee of the institution, shall be dismissed.

Spirituous liquors.

SEC. 12. Any person who shall convey to or from any convict any letters or verbal messages, who shall convey to them any weapon or instrument by which to effect an escape, or that will aid them in an assault or insurrection, or who shall trade with a convict for his clothing or stolen goods, or who shall sell to him any article forbidden them by prison rules, shall be guilty of an offence, and on conviction thereof in a court of justice be imprisoned or fined at the discretion of the court: *Provided, however,* That when murder, an assault or an escape is effected, with means furnished the convicts, the person or persons convicted of furnishing the means shall be sentenced to not less than four years hard labor in the Penitentiary.

Persons conveying weapons to prisoners.

Proviso.

SEC. 13. Any convict who shall effect an escape, shall on his recapture, be required to make up the full term for which he was sentenced and shall in no case be discharged until he has served in the prison the full term of his sentence.

Escaped convicts.

SEC. 14. When a convict or several combined shall offer

Violence of convicts.

violence to any officer, overseer or guard, or to any convict, or attempt to do any injury to the prison building or the workshops, or shall attempt to escape or shall resist or disobey any lawful command, the officer, overseer or guard, shall use any means necessary to defend themselves, to enforce the observance of discipline, to secure the person of the offender and to prevent an escape.

Discipline.

SEC. 15. The board of directors are hereby authorized to adopt such mode of enforcing discipline as their judgment may indicate, not inconsistent with the Constitution of the State. And they shall print and post the same with the following section, in the cells of the convicts, and the same shall be read to every convict in the penitentiary, when received and shall again, together with the monthly department of each convict, be read to the convicts at large on the first Saturday after the regular monthly meetings of the board of directors.

Deputy Warden to keep book.

SEC. 16. It shall be the duty of the deputy warden to keep a book in which shall be entered a record of every infraction of the published rules of discipline with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their monthly meeting, and every prisoner who may have been sentenced for a term of years, who shall at the end of each month have no infraction of the discipline so recorded against him, shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the next month no infraction of the discipline is recorded against him he shall be entitled to two additional days diminution from his sentence, and if he shall continue to have no such record against him a third month, his time shall be shortened three additional days, and he shall be entitled to three days diminution of time from his sentence for each subsequent month he shall so continue in his good behavior, and for every ten days he shall thus become entitled, he shall have a further reward of one dollar placed to his credit, with the warden, to be paid

to him on his discharge or sent to his family as he may elect ; and for every five dollars of commutation he shall be entitled to five additional days diminution ; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the time of his sentence less the number of days he may be entitled to have deducted therefrom, in the same manner as if no deduction had been made : *Provided*, That if such convict shall be guilty of a violation of the printed and published rules of the prison after he shall, as provided in this section, have become entitled to a diminution of his term of service to which he has been sentenced, the directors shall have the power to deprive, at their discretion, such convicts of a portion or all (according to the flagrance of such violation of discipline) of the diminution of term of sentence or commutation to which he had previously been by this act entitled. Any convict who shall make an assault on any officer, overseer or guard, or who shall be engaged in an insurrection, or make an attempt to escape, shall not be entitled to the benefits of this section.

Warden to discharge convicts.

Proviso.

SEC. 17. The directors are authorized, so far as practicable with existing circumstances, to classify the convicts according to their age and disposition, placing all young men under twenty-one years of age (unless the conduct of the same shall forbid it) in a shop or shops by themselves, and give them such work as will be most beneficial to them when discharged ; and persons convicted of the higher crimes, or who shall be convicted a second time of penitentiary offences, or whose conduct may require it, shall be worked by themselves, and all incorrigibles may be worked by themselves in cells or shops at such employment as the directors, or a majority of them, may deem most fitting for them or profitable to the State.

Classification of convicts.

SEC. 18. That the directors be authorized to provide for Divine service at the prison each Sabbath if possible, and to secure the visits of some minister at the hospital to administer to the spiritual wants of the sick, and to secure such service,

Divine service.

appropriation of not more than two hundred dollars per annum may be made.

Children born in Penitentiary.

SEC. 19. Any children who may be born of a convict in the penitentiary that shall not be taken in charge when arrived at an age suitable to be separated from the mother by some of its kindred or other responsible party shall, on the application of the deputy warden to the probate judge of this county of Wake be disposed of as the law provides in the case of other children whose parents are dead or unable to provide for them.

Purchase of supplies from interested directors.

SEC. 20. No director shall become personally interested, directly or indirectly, in the purchase of any supplies or materials of any kind for the use of the State prison.

Architect and chief warden.

SEC. 21. That the office of architect and chief warden shall be consolidated and the officer holding that position shall have the general supervision of the entire prison department, in addition to such duties as heretofore have been imposed, the architect at a salary not to exceed three thousand dollars per annum, and the chief warden shall be entitled to recommend for appointment the deputy warden. All parts and clauses of laws inconsistent with the provisions of this act are hereby repealed.

Repeal.

SEC. 22. This act shall be in force from and after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLIX.!

AN ACT TO AMEND SECTION THIRTY-ONE, CHAPTER ONE HUNDRED AND FIFTEEN, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That section thirty-one, chapter one hundred and fifteen, public laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended as follows: After the word "delinquent" wherever it occurs in said section add the words "his heirs or devisees."

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLX.

AN ACT TO AUTHORIZE THE GOVERNOR TO EMPLOY COUNSEL IN CERTAIN CASES.

WHEREAS, From information received at the Executive Preamble.
 Department it is probable that Milton S. Littlefield will be delivered to the civil authorities to be tried in Buncombe North Carolina, for embezzlement or other crimes.

SECTION 1. *The General Assembly of North Carolina do* Authorized to employ counsel.
enact, That the Governor of the State be authorized to employ such counsel as he may deem necessary and proper to assist the Solicitor in the judicial district in which said Littlefield may be tried, in the prosecution of the indictment or indictments against him and that the Governor may issue

his warrant upon the Public Treasurer to compensate said assistant counsel, to be paid out of any money in the treasury not otherwise appropriated.

Cases civil and criminal.

SEC. 2. That in every case, civil or criminal in any court in the State or any other State or territory, or in any United States Court in which the State of North Carolina may be pecuniarily interested, the Governor shall be authorized to employ such counsel as he may deem proper or necessary to represent the interest of the State, and that he may draw his warrant or warrants upon the Public Treasurer to compensate said counsel which shall be paid out of any money in the treasury not otherwise appropriated.

When in force.

SEC. 3. This act shall take effect upon and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CLXI.

AN ACT TO AMEND SECTION THIRTEEN, CHAPTER SEVENTY-FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, CONCERNING THE DISTRIBUTION OF BATTLE'S REVISAL.

Provides for members elected to fill vacancies.

SECTION 1. *The General Assembly of North Carolina do enact*, That section thirteen, chapter seventy-four, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be so amended as to give the President of the Senate, the Clerks of each house of the General Assembly, members of the General Assembly elected to fill vacancies since last session, and the Judges of the District Court of the United States for the District of North Carolina one copy each of Battle's Revisal.

SEC. 2. That all county and township officers shall turn over to their successors in office all books of every description which they have received in their official capacity.

Officers to turn over, &c.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXII.

AN ACT FOR THE RELIEF OF SUCH COUNTIES AS HAVE NOT RECEIVED THE COMPENSATION ALLOWED BY LAW FOR THE SUPPORT OF LUNATICS.

WHEREAS, By inadvertance the county commissioners of many counties of the State have failed to comply with the acts of the General Assembly, passed in pursuance of the constitution of the State for maintaining lunatic persons who were entitled to a place in the Lunatic Asylum of the State; and whereas, on account of this inadvertence, the Auditor of the State has declined to audit the accounts of such counties legitimately made for the actual support of such lunatic persons,

Whereas.

SECTION 1. *The General Assembly of North Carolina do enact*, That sections forty and forty-one, chapter six, of Battle's Revisal, shall not apply to existing claims made since the twenty-eighth day of March, one thousand eight hundred and seventy, up to the time of the ratification of this act for the support of lunatic persons who were entitled under existing laws to a place in the Lunatic Asylum of the State.

Relation to lunatics.

SEC. 2. That whenever any county sustained any expense in maintaining any lunatic person from the twenty-eighth day of March, one thousand eight hundred and seventy up to the time of the ratification of this act, the commissioners of the county in which such persons were resident, shall make out an account of the charges paid by the county for maintaining any such person for the time during which such

Commissioners to make out account.

person was so maintained, and the Auditor of the State shall upon the certificate of one or more practicing physicians made upon the best of his or their information and belief that the person or persons on account of whom such claim is presented, were for such time as such claim shall be presented, in his or their opinion, entitled by existing laws to be admitted into the Lunatic Asylum as lunatics, and upon the affidavit of the chairman of the board of county commissioners of any such county made before the clerk of the Superior Court of the county, to the effect that the expense has been incurred by such county for the support of said lunatic or lunatics, and t the said account and issue a warrant therefor, and the Treasurer of the State shall pay such warrant as in all other cases: *Provided*, The said amount shall not exceed the rate of one hundred dollars per year.

SEC. 3. That this act shall not apply to any other claims for maintaining lunatics except those that occurred since the twenty-eighth day of March, one thousand eight hundred and seventy, up to the time of the ratification of this act; and shall be presented to the Auditor wltin one year after the ratification of this act.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

Not to apply since
28th March, 1870.

When in force.

CHAPTER CLXIII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-TWO,
PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEV-
ENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-
THREE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and eighty-two, section first,

public laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, be amended by striking out the word "five," in line nine, and insert the word "two," and strike out the words "two hundred," in line eleven, and insert the word "fifty," and strike out the word "four," and insert the word "five," in line four, section ten.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXIV.

AN ACT TO REPEAL AN ACT TO CHARTER THE TENNESSEE RIVER
TURNPIKE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That chapter sixty-nine of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, entitled an act to charter the Tennessee River Turnpike Company, ratified the fifteenth day of February, one thousand eight hundred and seventy one, be, and the same is hereby repealed. Repealed.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXV.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR
COURTS IN THE THIRD JUDICIAL DISTRICT.

SECTION 1. *The General Assembly of North Carolina do enact,* That the terms of the Superior Courts in the counties Time of holding court.

comprising the third judicial district shall begin at the times following, to-wit:

Wilson.	Wilson, second Monday in March and September.
Wayne.	Wayne, second Monday after second Monday in March and September.
Craven.	Craven, fourth Monday after second Monday in March and September.
Lenoir.	Lenoir, sixth Monday after second Monday in March and September.
Jones.	Jones, eighth Monday after second Monday in March and September.
Greene.	Greene, tenth Monday after second Monday in March and September.
Pamlico.	Pamlico, twelfth Monday after second Monday in March and September.
When in force.	SEC. 2. This act shall take effect from and after the first of July, one thousand eight hundred and seventy-four. Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXVI.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE GREENVILLE AND FRENCH BROAD RAILROAD COMPANY," RATIFIED THE THIRTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE, AND AN ACT AMENDATORY THERETO, RATIFIED TWENTY-SECOND DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of the above entitled act be amended by striking from said section the following words, to-wit: And the said company shall not make a greater dis.

crimination than twenty-five per cent. between the rates for carrying local and through freight.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXVII.

AN ACT TO ALLOW COUNTY COMMISSIONERS TO CONTRACT FOR BUILDING TURNPIKE ROADS.

SECTION 1. *The General Assembly of North Carolina do enact*, That similar powers to those conferred upon the township boards of trustees in Battle's Revisal, chapter one hundred and four, section twenty-seven, touching the erection of toll bridges, be and the same are hereby extended to the boards of county commissioners of McDowell and Henderson and Transylvania counties in this State, in reference to the building of turnpike roads in their respective counties. Powers of Boards of Commissioners.

SEC. 2. All contracts for building such turnpike roads entered into between the county commissioners and other parties, shall be registered in the office of the register of deeds for the county wherein said roads are to be constructed and shall be as binding in law as if a charter had been obtained from the General Assembly for the time specified in said agreement. Contracts,

SEC. 3. Said undertaker shall be liable for any damage assessed as now provided by law for building public roads. Damages.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXVIII.

AN ACT TO ENABLE FOREIGN GUARDIANS OF INFANTS AND PERSONS OF NONSANE MEMORY TO REMOVE THE ESTATES OF THEIR WARDS FROM THIS STATE.

Non-residents

SECTION 1. *The General Assembly of North Carolina do enact*, That all such estates of non-resident infants, as by law, are now allowed to be removed by their non-resident guardians from this State to the State wherever such infants may reside, may be removed by like proceedings and under like rules by the guardians of such infants, and also by the guardians of non-resident persons of insane memory to the District of Columbia or any State or territory or county wherever such infants or persons of insane memory shall reside.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXIX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTEEN LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and sixteen, laws of one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, entitled an act to re-enact an act entitled an act to incorporate the Orapeake Canal and Turnpike Company ratified the eighteenth of January,

one thousand eight hundred and forty-seven be amended as follows, "strike out section three."

SEC. 2. That this act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CLXX.

AN ACT TO AMEND SECTION FOURTEEN, CHAPTER ONE HUNDRED AND FIVE OF BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section fourteen of chapter one hundred and five of Battle's Revisal, be amended to read as follows: The Solicitors for the State shall, in addition to the general compensation allowed them by the State, receive the following fees, and no other, namely: For every conviction upon an indictment which they may prosecute for a capital crime, twenty dollars; perjury, forgery, counterfeiting, passing or attempting to pass or sell any forged or counterfeited paper or evidence of debt; maliciously injuring or attempting to injure any railroad or railroad car, or any person travelling on such railroad car; stealing or obliterating records; stealing, concealing, destroying or obliterating any will; maliciously burning or attempting to burn houses or bridges; misdemeanors of accessories after the fact to felonies; in each of the above cases *ten* dollars; for frauds, maims, debits and escapes, five dollars; for all other offences, four dollars. Fees.

The fees in all the above cases are to be taxed in the costs against the party convicted; but where the party convicted is insolvent, the Solicitor's fees shall be one-half to be paid by the county in which the indictment was found: *Provided*, Nevertheless, that no larger fee than ten dollars shall be taxed for the Solicitor in any indictment against Fees taxed in costs.

Appeals.

the justices of the peace of any county, as justices, when there are more than three justices who are found guilty. And in all appeals to the Supreme Court of persons convicted of criminal offences a fee of *ten dollars* against each person who shall not reverse the judgment, shall be allowed the Attorney General, to be taxed among the costs of that court.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXI.

AN ACT FIXING THE WEIGHT OF PACKAGES CONTAINING SALTED FISH AND TO REQUIRE PACKERS TO STAMP THEIR NAMES ON EACH PACKAGE SHIPPED FOR SALE.

Salt fish.

SECTION 1. *The General Assembly of North Carolina do enact*, That each package of salted fish, packed and offered for sale by the package, shall contain certain net weight as follows: Oak barrels, two hundred pounds; oak half barrels, one hundred pounds; oak quarter barrels fifty pounds; pine barrels, one hundred and sixty pounds; pine half barrels eighty pounds; pine quarter barrels forty pounds, and all other kinds of barrels shall contain the same number of pounds as pine barrels, half and quarter barrels, and each package shall be stamped as follows: Two inch mullets and over, number one; one and a half inch mullets, number two; one inch mullets and under number three; and fish of different lengths and kinds, mixed.

Packer.

SEC. 2. *Be it further enacted*, That all persons who shall pack fish as principal, or shall have the same done by others for him, shall be deemed the packer and shall stamp his name and place of packing together with net weight and

size of fish as prescribed in the first section of this bill, on the head of each package before offering for sale or shipment, and on failure to pack and stamp as herein prescribed, or to pack or stamp said package falsely so as to misrepresent the weight, or the quality or size of the fish in said package shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five or more than fifty dollars for each and every offense, and may be imprisoned at the discretion of the court not to exceed one month: *Provided*, That the provisions of this bill shall not apply to broken packages of fish.

SEC. 3. This act shall be in force and effect on and after the first day of September, one thousand eight hundred and seventy-four.

Ratified this 16th day of February, A. D., 1874.

When in force.

CHAPTER CLXXII.

AN ACT TO PROVIDE FOR THE BETTER COLLECTION OF FINES, FORFEITURES AND PENALTIES.

SECTION, 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the Public Treasurer to send a copy of this act together with his report to the Legislature of the fines, forfeitures and penalties paid into the school fund to the board of commissioners of the several counties of the State, and the said commissioners are hereby required to make a careful investigation of the accounts of the respective clerks of the Superior Court, with a view to ascertain if a correct return has been made to the treasurer of the amount of fines, forfeitures and penalties collected by them.

Treasurer to send copy with report.

SEC. 2. That said commissioners are directed to report the result of such investigation to the Public Treasurer on or before the first Monday in May next, and if any such clerk shall be in default the Treasurer shall at once place a

Commissioners to report to Public Treasurer.

statement of the amount of such default in the hands of the Solicitor for the district, who shall immediately institute proceedings in civil and criminal actions against such clerk.

Commissioners to examine returns of magistrates.

SEC. 3. That the commissioners shall at the same time examine the returns made by the several magistrates, and if any shall be found in default they shall at once institute proceedings for the collection of the amount of such default, and an account of the same shall be placed in the hands of the Solicitor, who shall institute criminal action against such magistrates.

Commissioners to examine fines paid in clerk's office.

SEC. 4. That it shall be the duty of the commissioners at their first meeting after each term of the Superior Court to make an examination of the amount of fines, forfeitures and penalties paid into the clerk of the court for the preceding six months by magistrates or from their own docket, and send a transcript of the same to Public Treasurer, by which such clerks will be required to settle.

Penalty.

SEC. 5. That any board of commissioners that shall fail or neglect to comply with the requirements of this act shall be guilty of a misdemeanor, and the Public Treasurer is hereby required to report all such delinquent boards to the Solicitor who shall at once institute criminal prosecution against the same.

When in force.

SEC. 6. That this act shall go into effect from its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXIII.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT COMMISSIONERS OF DEEDS, &C., IN FOREIGN COUNTRIES.

Appointments.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor is hereby authorized to appoint

and commission one or more commissioners in any foreign country, State or republic, to continue in office during the pleasure of the Governor, who shall have authority to take the acknowledgement in proof of any deed, mortgage or other conveyance of lands, tenements or hereditments lying in the State and to take the private examination of married women, parties thereto or any other writing to be used in this State, and such acknowledgement or proof taken or made in the manner directed by the laws of this State, and certified by the commissioners, shall have the same force and effect for all purposes as if the same had been made or taken before any competent authority in this State.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXIV.

AN ACT TO AMEND SECTION TWENTY-SEVEN, OF CHAPTER NINETY-SEVEN, OF BATTLE'S REVISAL, ENTITLED PUBLIC PRINTING.

SECTION 1. *The General Assembly of North Carolina do enact*, That section twenty-seven, of chapter ninety-seven, of Battle's Revisal, entitled public printing, be amended so as to read as follows: The Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General and Adjutant General, may have printed and prepared for their several offices such blank books, blank forms and other necessary printing as may be suitable and proper to enable them to discharge their duties, also all necessary postage and all express charges, and the Auditor and Treasurer shall have one hundred copies of their respective reports printed for the use of their offices. The print- Printing.

Executed by public printer.

ing herein authorized shall be executed by the public printer and expenses for the same shall be allowed by the Auditor according to the rates prescribed by law, and charges for all other items shall be adjudged of by the board composed of the Governor, Secretary, Auditor, Treasurer and Superintendent of Public Instructions, for which the Auditor shall be authorized to give his warrant on the State Treasurer.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CLXXV.

AN ACT TO AUTHORIZE THE COMMISSIONERS FOR THE COUNTY OF FRANKLIN TO LEVY A SPECIAL TAX FOR PURPOSE OF BUILDING A JAIL.

Special tax.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners for the county of Franklin be and they are hereby authorized to levy and cause to be collected a special tax not to exceed the sum of eight thousand dollars (\$8,000) for the purpose of building a jail for the said county of Franklin.

To erect jail.

SEC. 2. The tax collected by the authority of this act shall be used and applied in the erection of a jail for said county and for no other purpose.

Rule.

SEC. 3. In the levying of said tax the equation provided of the constitution in relation to property and capitation tax shall be observed and adhered to.

When in force.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXVI.

AN ACT TO AMEND CHAPTER THIRTY-TWO OF THE ACT OF ASSEMBLY KNOWN AS BATTLE'S REVISAL, WHICH CHAPTER IS ENTITLED "CRIMES AND PUNISHMENTS," AND CHAPTER THIRTY-THREE BATTLE'S REVISAL ENTITLED "CRIMINAL PROCEEDINGS."

WHEREAS, Great expense is incurred by counties, and sometimes unnecessary hardships are imposed upon persons charged with petty offences by reason of the long time between their imprisonment upon the charge and a regular term of the Superior Court of the county; and whereas, it is desirable for these and other reasons to increase the present jurisdiction of justices of the peace to hear and finally determine criminal charges and actions for petty offences within the constitutional limits; now, therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, Chapter thirty-two of the act of Assembly, known as "Battle's Revisal," which chapter is entitled "Crimes and Punishments," shall be amended as follows: Amendment.

SEC. 2. Section forty-three shall be amended by adding thereto as follows; The punishment for this offence shall not exceed a fine of fifty dollars, or imprisonment for one month. Section 43.

SEC. 3. Section forty-six shall be amended by adding thereto as follows: The punishment for this offence shall not exceed a fine of fifty dollars, or imprisonment for one month. Section 46.

SEC. 4. Section eighty-five shall be amended by adding thereto as follows: The punishment for this offence shall not exceed a fine of fifty dollars, or imprisonment for one month. Section 85.

SEC. 5. Section one hundred and two shall be amended by adding as follows: When the owner or one of the owners of an estate in possession, the property injured shall complain of the injury before a justice of the peace of the county Section 102.

in which the offence is charged to have been committed before the regular term of the Superior Court of the county next after the commission of the offence, and shall fail to state in his complaint that the damage exceeds ten dollars, the punishment, upon conviction of the offence, shall not exceed a fine of fifty dollars, or imprisonment for one month.

Section 111.

SEC. 6. Section one hundred and eleven shall be made to read as follows: In all cases of assault without intent to kill, and when no deadly weapon has been used and no serious damage done, and when the party injured shall make complaint before a justice of the peace for the county in which the offence shall have been committed, and shall ask the justice finally to determine the action, in such case the punishment shall not exceed a fine of fifty dollars or imprisonment for one month.

Section 112.

SEC. 7. Section one hundred and twelve shall be amended by adding as follows: The punishment for this offence shall not exceed a fine of fifty dollars or imprisonment for one month.

Section 116.

SEC. 8. Section one hundred and sixteen shall be amended as follows: The punishment for this offence shall not exceed a fine of fifty dollars or imprisonment for one month.

Section 117.

SEC. 9. Section one hundred and seventeen shall be amended by adding as follows: The punishment for this offence shall not exceed a fine of fifty dollars or imprisonment for one month.

Section 119.

SEC. 10. Section one hundred and nineteen shall be amended by striking out the following words: "Or both in the discretion of the Judge of the Superior Court or justice of the peace before whom the case shall be tried."

Section 120.

SEC. 11. Section one hundred and twenty shall be amended by striking out the same words as are stricken out in section one hundred and nineteen.

Section 139.

SEC. 12. Section one hundred and thirty-nine shall be amended by striking out all thereof after the words "shall be deemed a vagrant and guilty of a misdemeanor," and inserting in place of the words stricken out: The offence shall

be punished by a fine not to exceed fifty dollars or by imprisonment not to exceed one month, and it shall be cognizable only before a justice of the peace of the county in which it is committed, who may release the party on his giving a recognizance, with or without security, for his industrious and peaceable deportment for one year or less from the date thereof or may also impose on him a punishment not to exceed that above mentioned.

SEC. 13. Chapter thirty-three of an act known as "Battle's Revisal," shall be amended by adding thereto as follows: Justices of the peace shall have jurisdiction to hear, try and determine in the manner prescribed in this chapter, "Criminal Actions," for the offences described in sections twenty (20), forty-three (43) (forty-six (46)) eighty-five (85), one hundred and two (102), one hundred and eleven (111), one hundred and sixteen (116), one hundred and seventeen (117), one hundred and nineteen (119), one hundred and twenty (120) and one hundred and thirty-nine (139), of chapter thirty-two (32) of "Battle's Revisal," whereby said chapter thirty-two (32) as amended by this act, or by any other law now in force, or which may hereafter come in force, the punishment of the offence cannot exceed a fine of fifty dollars or imprisonment for one month.

Chapter 33.

*Amended
Act 7792?
Chap 44*

SEC. 14. Section one hundred and nineteen (119) of said chapter thirty-three (33) shall be amended by striking out the following words: "That the offence was committed in his township."

Section 119.

SEC. 15. This act shall take effect from and after its ratification.

When in force.

Ratified this 16th day of February, 1874.

CHAPTER CLXXVII.

AN ACT TO AMEND AN ACT IN RELATION TO FOREIGN INSURANCE COMPANIES, RATIFIED TWENTIETH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of an act entitled an "act in relation to foreign insurance companies," passed by this General Assembly and ratified twentieth day of December, one thousand eight hundred and seventy-three, be amended by striking out the words "and having agencies in such other State."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

When in force.

CHAPTER CLXXVIII.

AN ACT TO REPEAL CERTAIN PORTIONS OF CHAPTER TWO HUNDRED AND FIFTY LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED "AN ACT TO PREVENT THE HUNTING OF WILD FOWL BY FIRE IN CARTERET AND OTHER COUNTIES OF THIS STATE.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of chapter two hundred and fifty (250) laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, as prohibits the hunting of wild fowl with fire in Carteret county be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CLXXIX.

AN ACT TO BE ENTITLED AN ACT TO AMEND SECTION FOUR CHAPTER EIGHTY-ONE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, BEING SECTION EIGHT CHAPTER ONE HUNDRED AND FIVE BATTLE'S REVISAL.

SECTION 1. *The General Assembly of North Carolina do enact*, That section four chapter eighty-one, of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, being section eight, chapter one hundred and five of Battle's Revisal, be and the same is hereby amended so as to fix the salary of the Chief Clerk of the Auditor at one thousand dollars per annum instead of nine hundred dollars as now prescribed by law. Salary fixed at \$1,000.

SEC. 2. That this act shall be in force from its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXX.

AN ACT FOR THE BETTER SECURITY TO HUMAN LIFE.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person or persons shall manufacture, sell, or in any way deal out spirituous liquors of any name or kind Persons selling liquors.

to be used as a drink or beverage, that have been manufactured by artificial means other than the ordinary method of still and worm, and the same shall be found to contain any foreign properties or ingredients poisonous to the human system, shall be guilty of a high misdemeanor and upon conviction shall be imprisoned not less than five years, and may be fined in the discretion of the court.

SEC. 2 It shall be competent for any citizen after making purchase of any spirituous liquors, to cause the same to be analyzed by some known competent chemist, and if upon such analysis it shall be found to contain any foreign poisonous matter it shall be *prima facie* evidence against the party such sale, a certificate of such analysis, may be used as evidence against such offender.

SEC. 3. This act shall take effect from and after the first day of May, one thousand eight hundred and seventy-four.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXXI.

AN ACT ENTITLED AN ACT TO AMEND CHAPTER SEVENTY-SEVEN,
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE
AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

SECTION 1. *The General Assembly of North Carolina do enact*, That the words "Beaver Dam," in line seven, section one, chapter seventy-seven, public laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be and the same are hereby stricken out.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXXII.

AN ACT ENTITLED AN ACT TO EXTEND THE TIME OF TAKING OUT
GRANTS FROM THE STATE.

SECTION 1. *The General Assembly of North Carolina do* Extended till June.
enact, That all enterers of vacant lands in the several
counties of this State who may be unable to obtain grants
from the State on or before the thirty-first day of Decem-
ber, one thousand eight hundred and seventy-three, as now
required by law, shall have until June the thirtieth, one
thousand eight hundred and seventy-four in which to have
surveys made and to obtain grants from the State thereon.

SEC. 2. This act shall take effect from and after its ratifi- When in force.
cation.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXXIII.

AN ACT TO BE ENTITLED AN ACT TO ALLOW THE TRANSFER OF
CERTAIN CAUSES PENDING IN THE LATE COURTS OF EQUITY IN
THIS STATE.

SECTION 1. *The General Assembly of North Carolina do* Time extended
twelve months.
enact, That the provisions of an act entitled an act to allow
the transfer of certain cases pending in the late courts of
equity in this State, ratified January the fifth, one thousand
eight hundred and seventy-two, be extended so as to allow
any person interested in such causes as are therein described
at any time within twelve months from the ratification of
this act to have suits or petitions transferred to the trial
docket of the Superior Courts for the county in which the
same was pending.

SEC. 2. This act shall be in force from and after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXXIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
THE MOUNT AIRY AND CENTRAL RAILROAD COMPANY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of chapter two hundred and eighteen, public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be amended by striking out in line eleven (11) all after the words "North Carolina," and inserting in lieu thereof the following, to-wit: crossing the North Carolina Railroad, if deemed expedient to tide water navigation by any route which may be deemed by the stock holders most advisable and for providing every thing necessary and convenient for transportation on the same.

Amendment to section 6.

SEC. 2. That section six of said act be amended by inserting after the word Forsythe in line two (2) and lines eighteen and twenty-six the following: and all other counties along the line of said road, and that the word "and," in line one, and the word "counties," in line two, be stricken out.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CLXXXV.

AN ACT TO AMEND AN ACT TO INCORPORATE THE SEABOARD
AND RALEIGH RAILROAD COMPANY, RATIFIED TWENTY-SECOND
DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That section twelve of the above recited act be
amended by striking therefrom the following words, viz:
Provided, That no greater discrimination than twenty-five
per centum be made between local and through freights.

SEC. 2. That this act shall be in force from and after its When in force.
ratification.

Ratified this the 16th day of February, A. D. 1874.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,

PASSED BY THE
GENERAL ASSEMBLY

AT ITS
SESSION 1873-'74,

HELD IN THE
CITY OF RALEIGH,

On Monday, the Seventeenth day of November, A. D. 1873.

PUBLISHED BY AUTHORITY.

RALEIGH:
JOSIAH TURNER, JR., STATE PRINTER AND BINDER.
1874.

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION OF 1873-'74

CHAPTER I.

AN ACT TO INCORPORATE RENNO'S CAMP GROUND OF THE
METHODIST EPISCOPAL CHURCH, SOUTH, AND LOCUST OLD
FIELD BAPTIST CHURCH, IN THE COUNTY OF HAYWOOD.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That John Renno, John A. Williams, B. R. Phillips,
Henry Renno, A. M. Alexander, A. M. Russell and R. H.
Penland, of the Methodist church, South, and Henry John-
son, Levi Clark, Allen Haynes, J. P. Osborne, Washington
Haynes, A. J. Osborne and B. L. Pharr, of the Locust Old
Field Baptist church, and their successors in office shall be
and are hereby declared corporate bodies politic in deed and
law by the name and style of the trustees of Renno's Camp
Ground and Locust Old Field Baptist Church respectively
and aforementioned in the county of Haywood, and said corpo-
rations shall have all the powers usually granted to corpora-
tions of like nature with power to receive real and personal
property by purchase, gift or otherwise.

SEC. 2. In case of a vacancy in either of said boards of Vacancies.
trustees the church in which said vacancy may occur may in
twelve months thereafter fill such vacancy after which if any

other vacancy shall occur, it shall be the duty of the remaining trustees to fill the same: *Provided*, That the number of trustees for each church shall not be less than five nor more than ten.

Proviso.

Sale of liquors unlawful.

SEC. 3. It shall be unlawful for any person to retail any intoxicating liquors within one mile of said camp ground or church herein named, and upon conviction before a justice of the peace, shall be fined for each offense not more than twenty-five dollars, and imprisoned not more than one month at the discretion of the court.

Penalty.

When in force.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 2d day of December, A. D. 1873.

CHAPTER II.

AN ACT RELATING TO THE CITY OF WILMINGTON.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sixth section of an act of the General Assembly, entitled "an act to amend the charter of the city of Wilmington," ratified the eighteenth day of December, A. D. one thousand eight hundred and sixty-eight, be repealed.

Biennial elections.

SEC. 2. That the words "annually on the first Monday in May," in the third line of the third section of an act of the General Assembly, entitled "an act concerning the city of Wilmington," ratified on the twentieth day of December, A. D. one thousand eight hundred and seventy, be stricken out and the words "biennially on the days which now are or hereafter may be appointed by law for the election of the board of trustees for the township of said city" be inserted in their stead: *Provided however*, That the persons who may be in office as mayor and alderman of said city, on the first day of May next, shall continue in office until their

successors shall be elected at the next regular election, as herein provided, and until such successors shall be duly qualified.

SEC. 3. That the word "three" in second line of section Amendment. one, chapter 94, private laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be stricken out and the word "four" inserted in its stead, and that the word "third" in the eighth line of the said first section of the ninety-fourth chapter of the private laws of the General Assembly, passed during the session of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, being an act in reference to the city of Wilmington, be stricken out and the word "fourth" inserted in its stead.

SEC. 4. That this act shall be in force from its ratifica- When in force. tion.

Ratified this 3rd day of December, A. D. 1873.

CHAPTER III.

AN ACT CONCERNING SHARON CAMP GROUND IN CLEVELAND COUNTY AND TO INCORPORATE A BOARD OF TRUSTEES THEREFOR.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That N. D. Davis, J. W. Blanton, L. L. Smith, J. T. Beaty, A. B. Bridges, Amos Davis and W. W. Lee, and their successors, be and are hereby declared to be a body politic and corporate in deed and in law, by the name and style of the trustees of Sharon Camp Ground in Cleveland county, North Carolina, and said corporation shall have power to purchase and hold real and personal estate, and acquire the same by gift or other wise, shall have perpetual succession, sue and be sued, plead and be impleaded, in any

See P. 4 06

court of the State having competent jurisdiction, and may have and use a common seal, have power to elect their officers consisting of a chairman, a secretary and treasurer, and to establish such rules and regulations for the promotion of order and decorum, and for the removal or abatement of any nuisance from or at said camp ground while occupied for worship, and at all other times not inconsistent with the constitution and laws of this State.

Vacancies how filled.

SEC. 2. That in case of death or refusal to act, or removal, or for any other cause there becomes a vacancy, the remaining trustees shall have power to fill the vacancy: *Provided*, Their number shall not be less than five nor more than ten.

Proviso.

Spirituous liquors.

SEC. 3. That it shall not be lawful for any person to sell, give away or dispose of spirituous liquors at or within half a mile of said camp ground, and any person violating said prohibition shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for each offense be fined not less than ten nor more than twenty-five dollars or imprisoned not less than one nor more than three months.

When in force.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 11th day of December, A. D. 1873.

CHAPTER IV.

AN ACT CONCERNING CLOVER HILL CAMP GROUND IN CLEVELAND COUNTY AND TO INCORPORATE A BOARD OF TRUSTEES THEREOF.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John K. Wells, Sr., Andrew Warlick, A. N. Gains, William O. Willis, Noah Warlick, William S. Newton and Joseph C. Eaker, and their successors be, and they are hereby declared to be a body politic and corporate in

deed and in law, by the name and style of "the trustees of Clover Hill Camp Ground," in the county of Cleveland, State of North Carolina, and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same by gift or otherwise, shall have perpetual succession and power to sue and be sued, plead and be impleaded in any court of the State having competent jurisdiction, have and use a common seal, elect their officers, consisting of a chairman, secretary and treasurer, and to establish such rules and regulations for the enforcement of order and decorum, and for the removal of any nuisance from said Camp Ground, or abatement thereof while occupied for worship, and at all and other times, not inconsistent with the constitution and laws of this State.

SEC. 2. That in case of death or refusal to act, or removal or from any other cause there becomes a vacancy, the remaining trustees shall have power to fill the vacancy; *Provided*, Their number shall not be less than five nor more than ten trustees.

Vacancies how filled.

Proviso.

SEC. 3. That it shall not be lawful for any person to sell, give away or otherwise dispose of spirituous liquors at or within one mile of the said camp ground; and any person violating said prohibition shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not less than ten nor more than twenty-five dollars, or imprisoned not less than one nor more than three months at the discretion of the court.

Spirituous liquors.

SEC. 4. This act shall be in force from and after its ratification.

When in force.

Ratified this 11th day of December, A. D., 1873.

CHAPTER V.

AN ACT TO INCORPORATE THE NORTH CAROLINA IMMIGRATION SOCIETY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of developing the resources of the State by introducing immigrants from abroad, George Little, William Scott, John White, Jacob Parker, Henry B. Hunter, J. Buxton Williams and William S. Battle, their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of "the North Carolina Immigration Society," with a capital stock of five thousand dollars, with liberty to increase the same to any sum not exceeding two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and to have the privileges and incidents belonging to corporations organized under the twenty-sixth chapter of the Revised Code.

Capital stock.

Powers and privileges.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage or otherwise to convey land, to make advances of money or other things to settlers and others, on such terms and on such securities, real and personal, as may be agreed on; to grow and sell fruits and other vegetable products, to engage in any species of agricultural or manufacturing enterprise, to buy and sell goods, wares and merchandise. The said company may likewise own and manage steam or other vessels and take measures for the transportation of property into the State, or for carrying out any other purposes connected with the business of said company.

May own vessels.

Business, how managed.

SEC. 3. The business of said company shall be managed by a board of directors of a number to be fixed by the stockholders. They shall, out of their number, choose a president and such other officers as they see fit, and shall hold office for a term to be prescribed in the by-laws.

SEC. 4. The stockholders of said company shall make

such by-laws for the government of the company as they ^{By-laws.} may deem fit, not inconsistent with the laws of this State or of the United States.

SEC. 5. This act shall be in force from and after its ratifi- ^{When in force.} cation.

Ratified this 11th day of December, A. D. 1873.

CHAPTER VI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
THE TRUSTEES OF DAVIDSON COLLEGE.

SECTION 1. *The General Assembly of North Carolina do* ^{Amendment.} *enact,* That an act entitled “an act to incorporate the trustees of Davidson College,” passed in the year one thousand eight hundred and thirty-eight, be amended as follows, to-wit: strike out the words “in the State of North Carolina,” in the fifth section of said act, and strike out the words “to the students of said college,” in the ninth section of said act and insert therefor the words “to any person.”

SEC. 2. That this act be in force from and after its ratifi- ^{When in force.} cation.

Ratified this 11th day of December, A. D. 1873.

CHAPTER VII.

AN ACT TO AMEND AND CONSOLIDATE THE VARIOUS ACTS HERE-
TOFOR PASS D TO INCORPORATE THE TOWN OF LUMBERTON,
IN THE COUNTY OF ROBESON.

SECTION 1. *The General Assembly of North Carolina do* ^{Corporate limits.} *enact,* That the corporate limits of the town of Lumberton,

Boundary.

in the county of Robeson, shall be included within the following boundaries, to-wit: Beginning at a cypress stump in the eastern edge of Lumber river, where the Carolina Central Railroad crosses said river, near the trestle on the south side of said road, and runs as said road south sixty-eight degrees (68°) east, twenty-three and one half ($23\frac{1}{2}$) chains to the north western corner of the pump or water tank house at the Lumberton depot; thence north seventy degrees east twenty-five and a half chains to a stake; thence north one degree east forty-five chains to a stake in B. Godwin's ditch; thence south fifty-five (55) degrees, west fifteen and a half ($15\frac{1}{2}$) chains to a stake by a short strawed pine by the parsonage fence; then north eighty-five and a half degrees, west thirty chains to a stake about fifteen feet from the road leading from Lumberton to General Dockery's mill; thence south fifty one and a half ($51\frac{1}{2}$) degrees, west ten (10) chains to two short strawed pines on the bank of Lumber river on the north side of the mouth of the Beaver hole; thence down the river to the first station.

Old officers hold
over till successors
elected.

SEC. 2. That the present magistrate of police and commissioners, to-wit: Alexander H. McLeod, Esq, magistrate of police, and Owen C. Norment, Berry Godwin, C. Von Glahn and John H. Lewis, shall continue in office and perform all the duties thereof until their successors shall be elected as hereinafter provided.

Body corporate.

SEC. 3. That the said magistrate of police and commissioners are hereby declared and constituted a body corporate and politic under the name and style of the "commissioners of the town of Lumberton," and as such may sue and be sued, plead and be impleaded, have and use a common seal and have perpetual succession, and shall have power and authority to adopt all such rules, regulations, ordinances and by-laws as a majority of them may deem necessary to promote the intent and insure the good order and government of said town, for the improvement of the streets and the preservation of the health in the same, and to make all sll such other police regulations as the interest,

comfort and convenience of the citizens may require. Said commissioners shall also have power to annually levy and cause to be collected at such times during each year as to them may seem expedient such taxes as to the commissioners of the town of Lumberton shall seem fair, equitable and right on the professions, callings, trades, occupations and other business carried on in said town, and on the articles of personal property used in said town and hereafter designated or referred to, that is to say: On every merchant, lawyer, physician, dentist, artizan, mechanic, daguerrean artists or other picture-takers, officers or agents of incorporated companies; all clerks or employees of other persons or corporations; editors, printers, butchers, tanners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon makers, jewelers, liquor dealers, confectioners, grocers, bartenders, harness makers or saddlers, blacksmiths; on every billiard or bagatelle, either public or private; on every bowling, nine or ten-pin alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold or silver watches; on all pianos; on all pistols, dirks, bowie knives or sword canes; on every livery stable; on all drays, carts, wagons, carriages, buggies, etc.; on all horses, cattle, sheep, hogs, goats, etc.; on every stud horse or jackass let to mares; on every pack of playing cards sold during the year; on every hotel, restaurant, saloon or eating house; on every wholesale or retail liquor dealer; on all itinerant traders, peddlers or hawkers; on all and every person or persons, company or companies who may exhibit, sing, play, act or perform; or on anything for which they charge or receive any gratuity for pay or reward whatsoever within the limits of said corporation: *Provided*, The same shall not be inconsistent with the constitution of the United States or of this State; on all real estate in the corporate limits of said town. And said commissioners shall have power to appoint a town clerk who shall hold his appointment for one year only, whose duty it shall be to record all the proceedings of the commissioners in a well bound book kept by him for

Subject to taxation.

Proviso.

Clerk.

that purpose. He shall also act as treasurer for said corporation and shall give bond and security in the sum of two thousand dollars made payable to the State of North Carolina and conditional for the safe keeping of all moneys that may come into his hands as treasurer, and for paying out the same as ordered by the commissioners, and for the faithful performance of his duty as clerk. They shall also have power to appoint a town constable whose duty it shall be to collect all the taxes levied under this act and fines imposed by said commissioners and forfeitures incurred by the violation of any of the ordinances or regulations passed by said commissioners; and said town constable is hereby invested with the same power and authority either in distraining and selling personal property, or in levying on and selling real estate, as is by law invested in the sheriff of Robeson county. And he is hereby invested with the same power to execute deeds of conveyance for property so sold by him. He shall give bond and security in the sum of two thousand dollars payable to the State of North Carolina and conditional for the collection of all taxes levied under this act, and the collection of all such claims and for the service of execution of all such process as may be placed in his hands by the commissioners, or given him by their order and for the punctual paying over the same to the treasurer above named and for the faithful performance of his duty as town constable; and said constable so appointed shall hold his appointment for one year only and shall have the same powers and privileges as other constables, and shall have, use and exercise all lawful ways and means which are usually had, used or exercised by the several sheriffs of this State, and be subject to the same liabilities that they are in the performance of their duties in the collection of the public revenue; and the above named bonds when executed shall be filed in the register's office of Robeson county for safe keeping; and for a breach of the conditions of either of the above named bonds, the commissioners shall have the same remedies as are usually had on clerk's and constable's bonds.

Town constable.

Bond.

Bonds filed with register.

SEC. 4. That it shall be lawful for the citizens who live within the limits of said town to meet at the court house on the first Monday in May in each and every year and elect a magistrate of police and four commissioners, who shall hold their office for one year from the time of their election and until their successors shall be elected and qualified, and it shall be lawful in case of the death or removal of the magistrate of police or any of the commissioners for the board of commissioners to appoint their successors for the remainder of their term of office, and it shall be the duty of the sheriff of Robeson county to give ten days notice at the court house door previous to said election of magistrate of police and commissioners, and to hold the same under the same rules, regulations, restrictions and penalties that elections are now held for members of the General Assembly, and he shall determine who is elected and shall furnish its town clerk with a certificate of the election, which the clerk shall copy into the book in which he records the proceedings of the commissioners of Lumberton, and such entry so made by the town clerk shall be conclusive evidence of the election of such persons to the offices therein named.

Place and time of meeting.

SEC. 5. That every male citizen of the age of twenty-one years and over, residing within the corporate limits of said town shall be entitled to vote at said election under such rules and regulations as are now prescribed by law, and shall also be eligible to the office of magistrate of police or commissioner, and any person elected or appointed magistrate of police or commissioner under the provisions of this act refusing to act, failing or neglecting to qualify by taking the oath of office for two months after such election or appointment shall forfeit the sum of one hundred dollars for the benefit of said corporation, for every such failure or refusal, which sum shall be recoverable by warrant before any justice of the peace of said county in the name of the State of North Carolina to the use of the commissioners of the town of Lumberton, to be by them applied to the use of the corporation.

Who are voters.

To levy and collect taxes.

SEC. 6. That the magistrate of police and commissioners, or a majority of them are hereby authorized and empowered annually on or before the first Monday in May to levy and collect a tax on all real estate and all other kinds of property, and upon every thing else whether it be property or not, of every kind or nature whatsoever, in addition to such as are mentioned in section third of this act, held, owned, occupied or possessed by any person or persons on the first day of April in each and every year.

Quorum.

SEC. 7. That a majority of said commissioners shall constitute a quorum for the transaction of business, and shall also have power to call a meeting when they deem it necessary; and at all meetings of commissioners, in the absence of the magistrate of police, they shall appoint one of their number chairman; and the magistrate of police shall preside at all meetings of the commissioners when he is present.

Power of magistrate.

He shall also have power to call meetings when he may deem it necessary, and shall have power to issue warrants against all persons who may violate the laws of the corporation, and hear and determine the same. It shall be his duty to superintend all improvements and works ordered by the commissioners, and see that the laws are observed, and shall have power to have any person or persons arrested who may behave themselves in a disorderly manner within the corporate limits of said town, and sentence the offender or offenders to pay a fine not exceeding twenty five dollars, or to work on the streets or public works in said town for a period not exceeding twenty-five days. All fines, when collected, to be for the use of the corporation.

Fines and penalties.

Fines revert to use of corporation.

List of taxables.

SEC. 8. That it shall be the duty of every person residing or owning property within the corporate limits of said town to deliver, on oath, before the first Monday in June in each and every year, to the town clerk, a list of all the real property, together with a list of all other subjects of taxation included within this act, which he or she may own or which they may have control of as trustee or guardian, or in any other way, and any person failing to give in as above shall

be guilty of a misdemeanor. It shall also be the duty of the magistrates of police and commissioners to appoint three citizens of said town assessors, whose duty it shall be, on being furnished with the returns of real property in said town by the town clerk, to proceed to assess the same at its full cash value, and return the same in writing on or before the first day of July in each year. It shall be the duty of the magistrates of police and commissioners to make such appointment every year and to fill all vacancies in the board of assessors which may happen by death, removal or otherwise. And should any person appointed assessor, as herein provided, refuse to act or fail to qualify by taking an oath of office for one month after his appointment, such person or persons shall forfeit the sum of one hundred dollars to the use of the corporation, recoverable before any justice of the peace for said county, by warrant in the name of the commissioners of the town of Lumberton.

Assessors.

Penalty for refusing to act.

SEC. 9. That the magistrates of police and commissioners shall have power and authority to regulate the fees of the town clerk and constable, to open such new streets as they may consider necessary and assess the damages which any person may by such new street passing over their lands.

Fees and damages.

SEC. 10. That it shall be the duty of the town clerk to advertise five days all ordinances passed by the commissioners of Lumberton at the court house door, and no ordinance shall take effect until after such advertisement.

Ordinances

SEC. 11. That if the said magistrates of police and commissioners shall permit the streets or side walks, or roads, or public squares, wells or sewers within the corporate limits of said town get out of order and remain so as to become a nuisance, or shall permit any nuisances to exist in said limits which they have the power to remove, shall be liable to indictment in the Superior Courts, and on conviction shall be fined at the discretion of the Court.

Streets or side walks.

SEC. 12. That all laws heretofore passed for the better

Repealing clause.

regulation of the town of Lumberton 'be and the same are hereby repealed.

When in force.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this 13th day of December, A. D. 1873.

CHAPTER VIII.

AN ACT TO INCORPORATE THE WEAVERVILLE COLLEGE IN BUNCOMBE COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dr. James A. Reagan, W. E. Weaver, J. R. Chambers, Rev. J. W. Vandiver, W. R. Baird, J. J. McElroy, J. G. Chambers, R. W. Pickens, Rev. J. S. Weaver, C. A. Nickels, J. R. Erby, Dr. J. D. Reynolds, Wm. Profit, Daniel Reynolds, C. G. McDowell, and their successors be and they are hereby constituted a body politic and corporate by the name and style of "Weaverville College," and by that name s all sue and be sued, plead and be impleaded, shall have perpetual succession and a commo seal. May acquire by purchase, gift or otherwise to them and their successors estates, real and personal, for the use of said college, not exceeding twenty thousand dollars, and enjoy all other powers, privileges and immunities incident to bodies corporate of a like nature.

Quorum.

SEC. 2. That any five of said corporators may constitute a quorum for the transaction of business, and in case of vacancy by death, removal, resignation or otherwise, any five shall have power to fill such vacancy.

License for sale of liquors forbid.

SEC. 3. That no license to retail spirituons liquors within two miles of said college shall be granted by the commissioners of Buncombe county.

Misdemeanor.

SEC. 4. That any person offending against any of the pro-

visions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not more than twenty-five dollars or imprisoned not more than thirty days at the discretion of the court.

SEC. 5. That this act shall be in force from and after its ratification. When in force.

Ratified this 15th day of December, A. D. 1873.

CHAPTER IX.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Beaufort shall be divided into five wards as follows: All that part of the town which lies South of Ann street and West of Orange street, shall constitute the first ward; that part which lies South of Broad street and between Orange and Pollock streets, shall constitute the second ward; that part which lies South of Broad street and east of Pollock street, shall constitute the third ward; that part which lies North of Broad street and West of Queen street and West of Orange and Queen streets not included in the first ward shall constitute the fourth ward; that part which lies north of Broad street and east of Queen street shall constitute the fifth ward. Each of said wards shall elect one commissioner respectively who shall be a resident of said ward. Charter amended. Wards.

SEC. 2. The votes for the commissioners of the several wards shall be deposited in separate boxes and the persons receiving the highest number of votes east in their several wards respectively shall be declared duly elected as now provided by law. Elections.

SEC. 3. The place of holding the election and the rules Election where held

and regulations governing the same be as now provided by law, unless otherwise provided for by this act.

Mayor.

SEC. 4. The commissioners elected after having been duly qualified according to law, shall proceed to elect a mayor who shall be a resident of the town of Beaufort, whose duty it shall be to see the ordinances of the town duly and faithfully executed.

Commissioners of navigation.

SEC. 5. The commissioners of the town of Beaufort shall elect three commissioners of navigation for the port of Beaufort, and section one of chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, is hereby repealed.

Repeal.

SEC. 6. Sections seven, eight, nine, ten and twenty-eight of the act to amend the acts of one thousand eight hundred and twenty-five and one thousand eight hundred and twenty-seven for the better regulation of the town of Beaufort ratified the 12th day of April, 1869, and laws in conflict with the provisions of this act are hereby repealed.

When in force.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 15th day of December, A. D., 1873.

CHAPTER X.

AN ACT TO INCORPORATE THE BAPTIST CHURCH OF HOMINY IN BUNCOMBE COUNTY.

Incorporated.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Baptist church of Hominy, in the county of Buncombe, be and the same is hereby incorporated by the name of "The Baptist church of Hominy."

Limits.

SEC. 2. The corporate limits of said Baptist church shall

extend one half mile in each direction from the Baptist church near Samuel B. Gudger's.

SEC. 3. That the trustees of said Baptist church and their successors shall be the commissioners of the said Baptist church of Hominy, one of whose number shall be chosen by themselves, shall be intendant. Commissioners.

SEC. 4. That until their successors are organized, Enoch Morgan, Wm. Green, Pinkney Young, Robert Joyce and J. N. Hyatt, shall be commissioners of said Baptist church with William Green as intendant. Present commissioners.

SEC. 5. That said commissioners shall have all the powers of a police force and may make and establish such rules, regulations, by-laws and ordinances for the government of said church and for the maintenance of order and decorum therein, and the removal of nuisances therefrom as they may deem proper, not inconsistent with the constitution and laws of this State, and may appoint a sufficient police force to enforce the same. Power and duty of commissioners.

SEC. 6. That it shall not be lawful for any person to sell or dispose of spirituous liquors at said church or within one mile thereof during the time of religious exercises thereat, and every person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned or both at the discretion of the court. Spirituous liquors.

SEC. 7. This act shall be in force from and after its ratification. When in force.

Ratified this 15th day of December, A. D., 1873.

CHAPTER XI.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TOLL BRIDGE
ACROSS THE CATAWBA, NEAR THE WESTERN NORTH CAROLINA
RAILROAD BRIDGE.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That A. M. Powell, George S. Powell and J. M. Long, and such other persons as they may associate with them and their successors, be, and they are hereby constituted a body politic with corporate privileges, under the name and style of the Catawba Valley Bridge Company, and in that name to have succession, sue and be sued, plead and be impleaded, and to make such rules and regulations as they may deem necessary for the construction of and keeping up a public bridge across the Catawba river near the Western North Carolina Railroad bridge at any place between the Buffalo shoals and the Island Ford in said river.

Duty of Judge.

SEC. 2. That the Judge of the Superior Court of Catawba county, upon the petition of said persons named in the first section of this act shall appoint three disinterested freeholders of said county to view the banks on both sides of said river where the bridge is to be located, and lay off to the use of said petitioners one half acre of ground on either bank and assess the value thereof and make a report to the succeeding term of said court and upon the petitioners paying to the owners of said land the value so assessed and all costs incurred by reason of said petition, then the judge of said court shall confirm said report unless good cause shall be shown by the owners of the land why it ought not to be confirmed, and shall condemn the land to the use of the petitioners.

Voluntary conveyance.

SEC. 3. If the owners of the land on either side of said river shall sell or voluntarily convey the right of way over their land and one half acre on either bank to the persons

named in the first section of this act then it shall not be necessary to file a petition as hereinbefore prescribed.

SEC. 4. That the incorporators are authorized and empowered to run and connect the public roads in Iredell and Catawba counties with said bridge. Public roads.

SEC. 5. That the amount of tolls to be charged and received by the said Catawba Valley Bridge Company shall be determined by the board of county commissioners of Catawba county, whose duty it shall be to establish the rate of tolls to be charged for the passing of persons and property across said bridge and cause the same to be entered on record. Amount of tolls.

SEC. 6. That from and after said bridge shall be opened as a toll bridge it shall be deemed a public highway and the owner or owners thereof shall on failure to keep the same in good and lawful repair so that it can be passed over with safety and convenience, be liable to indictment and punishment in the same manner that overseers of public highways now are, and shall also be liable in a civil action for damages to any persons who may suffer injury to their person or property on account of such failure. Public highway.

SEC. 7. That if any person or persons after the completion of said bridge, shall pass over the same and refuse to pay the tolls as fixed by law, that every such person or persons shall forfeit and pay the sum of five dollars, to be recovered by the said company by warrant before a justice of the peace. Forfeitures.

SEC. 8. That this charter shall continue for the space of ninety-nine years. Term.

SEC. 9. That this act shall be in force from and after its ratification. When in force.

Ratified this 15th day of December, A. D. 1873.

CHAPTER XII.

AN ACT TO INCORPORATE BLUE LODGE NUMBER TWO HUNDRED
AND EIGHTY-SEVEN FREE AND ACCEPTED MASONS.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Worshipful Master, Warden and members of Blue Lodge number two hundred and eighty-seven, of Free and Accepted Masons, in the county of Moore, be, and the same is hereby constituted a body politic and corporate under the name and style of "Blue Lodge, number two hundred and eighty-seven, of Free and Accepted Masons," and by that name may have perpetual succession, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in the State, may contract and be contracted with, may acquire by purchase or otherwise real and personal estate and hold and dispose of the same for the benefit of the lodge, may have a common seal and in general exercise all such rights and privileges as are usually incident to corporations of a like nature.

By-laws, &c.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution of this State or of the United States, and enforce the same.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XIII.

AN ACT TO CHANGE THE TIME FOR THE MEETING OF THE BOARD OF COMMISSIONERS AND COUNTY BOARD OF EDUCATION FOR CARTERET COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for the board of commissioners and the county board of education of Carteret county to meet on the Tuesday following the Monday on which they are now required by law to meet instead of on said Monday. Meeting of board changed.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed, and this act shall be in force from and after its ratification. Repeal.

Ratified this 18th day of December, A. D. 1874.

CHAPTER XIV.

AN ACT TO INCORPORATE MONTMORENCY CHURCH, IN THE COUNTY OF BUNCOMBE.

SECTION 1. *The General Assembly of North Carolina do enact*, That Montmorency church, on Hominy creek, in the county of Buncombe, be and the same is hereby incorporated by the name of Montmorency church. Body politic.

SEC. 2. That the corporate limits of said church shall extend one half mile in every direction from said church. Limits.

SEC. 3. That the trustees of Montmorency church and their successors shall be the commissioners of said Montmorency church, one of whose number to be chosen by themselves shall be intendant. Trustees, &c.

SEC. 4. That until their successors are organized W. G. Candler, S. B. Gudger, R. L. Jones, G. W. Howell and C. Commissioners.

N. Penland shall be commissioners of said Montmorency church with the said Samuel B. Gudger as intendant.

Powers, &c.

SEC. 5. That said commissioners shall have all the powers of a police force and may make and establish such rules, regulations, by-laws and ordinances for the government of said Montmorency church and for the maintenance of order and decorum therein, and the removal of nuisances therefrom as they may deem proper not inconsistent with the constitution and laws of this State, and may appoint a sufficient police force to enforce the same.

spirituous liquors.

SEC. 6. That it shall not be lawful for any person to sell or dispose of spirituous liquors at said church or within one mile thereof during the time of religious exercises thereat, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned or both at the discretion of the court.

When in force.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XV.

AN ACT TO INCORPORATE THE TOWN OF JONESBORO' IN THE COUNTY OF MOORE.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Jonesboro', in the county of Moore, be and the same is hereby incorporated by the name and style of the town of Jonesboro', and it shall be subject to all the provisions of laws now existing in reference to incorporated towns.

Limits.

SEC. 2. That the corporate limits of said town shall be as follows: One-half mile east, west, north and south from the centre of the ware-house of the Western Railroad Company, and shall run with the four cardinal points of the compass.

SEC. 3. That the officers of said incorporation shall consist of a mayor, four commissioners and a marshal, and the following named persons shall fill said offices until the first Monday of May, one thousand eight hundred and seventy-four, viz: Mayor, A. A. McIver; commissioners, George S. Cole, Dr. J. D. McIver, S. H. Buchanan, Reddin Bryant and D. J. Shields; marshal, John Godfrey. Officers.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday of May, one thousand eight hundred and seventy-four, and each succeeding year thereafter, under the same restrictions that county and State elections are held, and all citizens within said corporation who have resided twelve months within the State, and thirty days within the corporate limits previous to the day of election, shall be entitled to vote at said election. Elections.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and the United States, and levy and collect a tax on all subjects of State taxation, not to exceed one-half of the State tax and to impose fines for the violation of town ordinances and collect the same. By-laws, &c.

SEC. 6. This act shall be in force from and after its ratification. When in force.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XVI.

AN ACT TO ESTABLISH A TOLL BRIDGE ON THE FRENCH BROAD
RIVER IN BUNCOMBE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the board of commissioners of Buncombe county be and they are hereby authorized and empowered to con- Bridge authorized.

struct a bridge across the French Broad river, at or near A. M. Alexander's, and said bridge, when so constructed, shall be and is hereby declared a toll bridge.

Toll gate.

SEC. 2. That the board of commissioners of Buncombe county be and they are hereby authorized and empowered to erect a toll gate at or near the aforesaid bridge, and collect such reasonable tolls thereat as they may from time to time determine upon, not exceeding the tolls allowed to be collected at the toll gate on the Buncombe turnpike road: *Provided*, That no citizen of Buncombe county shall be required to pay any toll at said bridge.

Proviso.

Proceeds.

SEC. 3. That the tolls herein authorized to be collected shall be appropriated to the repairing and keeping up the said bridge and roads leading thereto and to no other purpose.

Misdemeanor.

SEC. 4. That any person liable to pay toll under the provisions of this act, who shall wilfully neglect or refuse to pay the same, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars nor less than five dollars, or imprisoned not more than thirty days.

Repeal.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D., 1873.

CHAPTER XVII.

AN ACT TO INCORPORATE THE TOWN OF TOISNOT, IN THE COUNTY OF WILSON.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Toisnot, in the county of Wilson,

be and the same is hereby incorporated by the name and style of the town of Toisnot, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code not inconsistent with this act.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the crossing of Broad and Main streets, running thence with each branch of said streets from the beginning one quarter of a mile, making the limits of said town one half mile square. Limits.

SEC. 3. Until officers shall be elected as hereinafter provided, the government of said town shall be vested in the following named mayor and commissioners, to-wit: Mayor, W. S. Parker; commissioners, J. T. Sharpe, J. W. Crowell, John D. Wells, B. R. Brinkley and R. S. Wells; constable, W. D. Carter. Present officers.

SEC. 4. An election shall be held the first Monday in May, one thousand eight hundred and seventy-four, and each successive year, for mayor, five commissioners and a constable, and persons living within the corporate limits of said town and qualified to vote for members of the General Assembly shall vote in the election for officers of said town. Elections.

SEC. 5. For the good government of said town, the said officers and their successors in office shall have all the powers, rights and privileges, and be governed by the rules, regulations and restrictions conferred upon and to which mayors, commissioners and constables of incorporated towns are subjected by chapter three, Revised Code. Powers and privileges.

SEC. 6. This act shall be in force from and after its ratification. When in force.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XVIII.

AN ACT TO INCORPORATE CLAYTON LODGE, NUMBER SIXTY-EIGHT,
OF ODD FELLOWS, IN THE COUNTY OF JOHNSTON.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the officers and members who are at present or who may be in future members of Clayton Lodge, number sixty-eight of Odd Fellows, in the town of Clayton, county of Johnston, be and they are hereby incorporated into a body politic and corporate, under the name and style of Clayton Lodge, number sixty-eight of Odd Fellows, and by that name may have succession and a common seal, and the same change at pleasure, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this State; contend and be contended with, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of its business: *Provided*, All the real estate owned by said corporation shall not exceed in value five thousand dollars.

Proviso.

By-laws.

SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its government which may not conflict with the constitution and laws of this State and the United States.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XIX.

AN ACT TO INCORPORATE GRAY'S CHAPEL METHODIST PROTESTANT CHURCH IN THE COUNTY OF RANDOLPH.

SECTION 1. *The General Assembly of North Carolina do enact*, That James Odell, J. W. Pugh, Jesse Pugh, Zachariah Ranth and O. P. Cox, and their successors in office are hereby created a body politic under the name and style of the trustees of Gray's Chapel Methodist Protestant church, and by that name may sue and be sued, plead and be impleaded, and shall have all the power of corporate trustees of like institutions. **Body politic.**

SEC. 2. Said trustees shall meet at their pleasure, elect one of their number chairman and one secretary who may hold their office for a term of five years. The trustees shall fill vacancies by a majority vote at any meeting of the board. **Trustees, powers, &c.**

SEC. 3. The corporate limits shall extend one mile from said church, and any person or persons selling spirituous liquors within said corporation shall be guilty of a misdemeanor and on conviction thereof by any court having jurisdiction shall be fined not less than fifty dollars, and imprisoned not less than thirty days in the county jail for each offence. **Limits.**

SEC. 4. This act shall be in force from and after its ratification. **When in force.**

Ratified this 18th day of December, A. D., 1873.

CHAPTER XX.

AN ACT TO INCORPORATE BETHEL IN THE COUNTY OF PITT.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Bethel in the county of Pitt is hereby created and incorporated a town, and Dr. F. C. James, Guilford Andrews, James R. Nelson, Andrew Hopkins, John Bryan, and their successors are hereby created a body politic under the style of the commissioners of the town of Bethel, to have perpetual succession with the usual powers of such corporations, to sue and be sued, plead and be impleaded, contract and be contracted with and to make all needful rules and regulations, by-laws and ordinances for the government of said town not inconsistent with the constitution and laws of this State or of the United States.

Limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the corner of Bryan and Hearne, line running east one half mile more or less to George W. and W. H. Andrews' line to a stake in said line; thence north one mile to a stake in James R. Nelson and Mary Keel's line; thence west one half mile to a pine, in Nelson and Cherry's line; thence to the beginning.

Offices and elections.

SEC. 3. That the above named commissioners shall only hold their offices till their successors are duly elected at the next election which shall be on the first Saturday of May next, and annually on that day of the month thereafter.

Constable.

SEC. 4. That said commissioners may appoint a town constable and may also choose one of their number to be mayor of said town until the next regular election at which an election shall be held for mayor, three commissioners, a town constable, treasurer and clerk, and so on annually.

Taxes.

SEC. 5. That the commissioners shall have power, if they deem it necessary, to levy a tax not exceeding thirty cents on each poll and ten cents on each hundred dollar's worth of real estate in said town, to affix penalties and forfeitures

for violation of their laws and ordinances, and to enforce collection of the same, which taxes, forfeitures when collected shall go to the exclusive use of the streets, sidewalks and public squares, or in such other mode as the said commissioners may deem best to promote the health, comfort, prosperity and advancement of the same.

SEC. 6. That the commissioners may, if they deem it necessary, require all persons living within the said town, who are liable to work on public roads, to perform such numbers of days' work not exceeding six in any one year on the roads and streets as they may think proper, and, upon failure to perform such, subject the delinquent to the same fines and penalties as are imposed for a failure to work on the public roads in the different counties of the State.

Road work and streets.

SEC. 7. That said town and commissioners shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code not inconsistent with the constitution and laws of this State, and of the United States.

Subject to provisions of 111th ch., Revised Code.

SEC. 8. All former liquor laws pertaining to Bethel are hereby repealed excepting on the Sabbath and during the hours of worship on any day of the week. To be in force from day of ratification.

Repeal, &c.

When in force.

Ratified this 18th day of December, A. D., 1873.

CHAPTER XXI.

AN ACT TO INCORPORATE THE TOWN OF WHITEVILLE, IN THE COUNTY OF COLUMBUS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Whiteville, in the county of Columbus, be and the same is hereby incorporated by the name and style of the town of Whiteville, and be subject to the

Body politic:

provisions contained in chapter one hundred and eleven of the Revised Code, not inconsistent with the constitution and laws of this State or of the United States, also subject to the general law in relation to corporations passed by the General Assembly at the session one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, not inconsistent with the provisions of this act.

Limits.

SEC. 2. That the corporate limits of said town shall be embraced within lines running due east, south, west and north, each sixty chains long and equidistant from the north door of the court house, and also within lines running from the east side of Jones street and the west side of Lee street, as laid down upon the old plan of said town, parallel with the road leading from the court house to the depot, and extending ninety chains from the south line of the old town and a direct line from one to the other of said lines at the end of ninety chains.

Offices and elections.

SEC. 3. The officers of said corporation shall consist of a mayor, five commissioners and a marshal to be elected annually on the first Monday of May by the qualified voters of said town, and the following named persons shall fill said offices until the first Monday of May, one thousand eight hundred and seventy-four: Mayor, J. A. Maultby; Commissioners: T. S. Memory, N. McPhaul, H. C. Rockwell, W. M. Baldwin, F. George; Marshal, R. T. Joyner.

Duty of Mayor, &c.

SEC. 4. That it shall be the duty of the mayor and commissioners elected to meet within ten days after their election, and take the same oath that is prescribed in the constitution for state offices.

By-laws.

SEC. 5. That said commissioners shall have power to pass all by-laws, rules and regulations for the government of the town not inconsistent with the laws of this State or of the United States.

Taxes.

SEC. 6. That the commissioners shall have power to levy and collect a tax not to exceed fifty cents on the poll and not to exceed sixteen and two-thirds cents on the one hundred dollars' valuation of property. They shall have

power to abate all nuisances, and for this purpose may impose such tax and fines as may be necessary to abate them.

SEC. 7. That it shall be the duty of the commissioners to spend all money levied and collected (after reasonable salary to the mayor to be allowed by the commissioners) to repair the streets and side walks and keep them in good and passable order. The marshal shall receive the same fees as a constable for the service of like process and like duty, and the same commissions as sheriffs for the collection of taxes.

Disposition of funds.

SEC. 8. That it shall be the duty of the commissioners when organized to appoint a secretary whose duty it shall be to keep a correct record of all the proceedings of the commissioners, and they shall also appoint a treasurer who shall enter into a good and sufficient bond, payable to the State of North Carolina in a sum to be fixed, from time to time, by the commissioners and approved by them, and it shall be the duty of the commissioners to require of the marshal to enter into bond payable to the State of North Carolina in the sum of not less than five hundred dollars, with good and sufficient security, to be approved by the commissioners.

Secretary and Treasurer.

Bond.

SEC. 9. The mayor shall be *ex-officio* chairman of the board of commissioners, and the mayor, commissioners and marshal shall hold their offices until their successors are elected and qualified according to law: *Provided*, That vacancies that occur by death, resignation or otherwise, may be filled by appointment of the mayor, a majority of the commissioners concurring.

Mayor, chairman, &c.

Proviso.

SEC. 10. The marshal, before entering on the discharge of his duty, shall go before some one authorized by law to administer oaths and take an oath usually taken by constables.

Marshal.

SEC. 11. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

Repeal.

SEC. 12. This act shall be in force from and after its ratification.

When in force.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XXII.

AN ACT TO INCORPORATE THE TOWN OF JONESVILLE, IN THE COUNTY OF YADKIN.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Jonesville, in the county of Yadkin, be, and the same is hereby incorporated by the name and style of the town of Jonesville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the revised code, not inconsistent with the constitution and laws of this State or of the United States, also subject to the general law in relation to corporations, not inconsistent with the provisions of this act.

Limits.

SEC. 2. That the corporate limits of said town shall be as follows: one half of a mile in every direction from the north-west corner of Benham's hotel in said town.

Officers and elections.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a constable. It shall be the duty of the sheriff of Yadkin county or any justice of the peace within said county, within thirty days after the ratification of this act, after giving ten days' notice by advertising at three several places in said corporation, to open the polls for the election of mayor, three commissioners and constable under the same restrictions that other county and State elections are held.

Spirituons liquors.

SEC. 4. That it shall not be lawful for the board of county commissioners of Yadkin county to grant license to retail spirituons liquors within the corporate limits of Jonesville, without his having a recommendation in writing from the mayor and commissioners of said town to that effect, and any license granted without such recommendation shall be void.

Voters.

SEC. 5. That all resident citizens within said corporation who have resided thirty days previous to the election shall be entitled to vote at said election.

SEC. 6. That it shall be the duty of the commissioners Oath.
elect to meet together and organize, take and subscribe to
the following oath: "I, A. B., do swear that I will faithfully
act as commissioner to the best of my knowledge and ability
for the ensuing year: so help me God."

SEC. 7. That said commissioners shall have power to pass By-laws.
all by-laws, rules and regulations for the good government of
the corporation not inconsistent with the laws of this State
and the United States.

SEC. 8. The commissioners shall have power to levy a tax Tax.
not to exceed twenty-five cents on the poll and ten cents on
the hundred dollars' valuation of property.

SEC. 9. The commissioners shall have power to tax all Subject of taxation.
subjects of State taxation within the corporate limits to an
amount not exceeding one fourth of the State tax, and shall
also have power to abate all nuisances, and may impose such
fines as may be necessary to abate them.

SEC. 10. That it shall be the ^{ISS}duty of said commissioners to Application of tax
money.
spend the tax so levied and collected in repairing the streets
and sidewalks and keep them in good passable order, and
shall also have power to exempt persons inside of the cor-
poration from working on the public roads.

SEC. 11. The commissioners when organized shall have Secretary and
Treasurer.
power to appoint a secretary, whose duty it shall be to record
the proceedings of the commissioners, and also to appoint a
treasurer who shall enter into a bond approved by the com-
missioners, and it shall also be their duty to require of the
constable elect to enter into bond, payable to the State of Bonds.
North Carolina, in the sum of three hundred dollars, to be
approved by the commissioners.

SEC. 12. That the mayor, before entering upon the dis- Mayor.
charge of his duties, shall take the oath usually prescribed
for said officer, and the constable, before entering into office,
shall go before some justice of the peace and take the oath
usually taken by constables.

SEC. 13. That the officers named in section three of this When election to
take place.
act shall be regularly elected on the first Monday in May,

one thousand eight hundred and seventy-four, and every year thereafter annually, and shall serve until their successors are elected and qualified: *Provided*, That nothing herein contained shall be construed so as to prevent an election being held as provided for in section three of this act.

Vacancies.

SEC. 14. That in the event of a vacancy occurring in the board of commissioners the remaining members shall fill the vacancy.

Compensation.

SEC. 15. That the commissioners of said town shall be authorized and empowered to allow reasonable compensation to the officers herein provided for.

When in force.

SEC. 16. This act shall be in force from and after its ratification.

Ratified this 18th day of December, A. D. 1873.

CHAPTER XXIII.

AN ACT TO INCORPORATE THE TOWN OF HICKORY, IN THE COUNTY OF CATAWBA.

Body politic.

SECTION, 1. *The General Assembly of North Carolina do enact*, That the inhabitants of the town of Hickory Tavern residing within one thousand yards of the depot warehouse of the Western North Carolina Railroad, situate therein, shall continue to be as heretofore a body corporate, under the name and style of the "town of Hickory," and under such name, is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or in any wise appertaining to the town of Hickory Tavern, within the above mentioned bounds, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real or personal, for the use of the town, as its board of commissioners may deem necessary or expedient.

SEC. 2. The present mayor and commissioners and other Present Mayor. officers of Hickory Tavern shall be and they are hereby declared to be, like officers with like powers and duties of the town of Hickory until their successors are elected and qualified as hereinafter provided.

SEC. 3. The officers of said "town of Hickory" shall consist of a mayor and six commissioners, to be elected by ballot on the first Monday in May in each and every year (or such other day as may be designated by the general law of the State for municipal elections) a constable and a secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected and qualified. Officers and elections.

SEC. 4. If among the number voted for, either for mayor or commissioners, their should be any two or more having the highest and an equal number of votes then, and in all such cases, the judges of election shall decide who shall be elected mayor or commissioner, as the case may be. Judges decide in case of tie.

SEC. 5. At the close of the election the votes shall be counted by the inspectors publicly and such person voted for as mayor, having the largest number of votes, shall be declared to be elected mayor, and such persons (six in number) voted for as commissioners, having the largest number of votes, shall be declared duly elected commissioners, and the inspectors shall, within two days thereafter, notify those elected of the fact, and shall make out two statements of the election so held and return one to the register of deeds for Catawba county and the other to the secretary of the town. Votes counted.

SEC. 6. The mayor elect shall within three days after being notified of his election, as aforesaid, appear before the clerk of the Superior Court, of Catawba county, and take and subscribe an oath (which the clerk shall file in his office) faithfully and impartially to discharge the duties herein imposed upon him as mayor of the town of Hickory, and also such duties as may be by law imposed upon mayors, as justices of the peace, within the corporate limits of their respective When Mayor to qualify.

Powers of Mayor.

towns in the State. As a peace officer he shall have within the limits of the town all the powers of a justice of the peace, and as a judicial officer within the same, all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners; to enforce penalties upon any adjudged violation thereof, by fine or imprisonment either in the guard-house of the town or the common jail of the county, and to execute the laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, That in all cases any persons dissatisfied with his judgment may appeal to the Superior Court of Catawba county, upon recognizance with security for his appearance at the next term thereof.

Meeting of commissioners.

SEC. 7. After the mayor has been qualified as above provided, he shall within three days call together the commissioners elect, who shall before him take and subscribe the following oath, to be copied in the secretary's book, viz: "I, ———, do solemnly swear (or affirm) that I will faithfully discharge the duties of commissioner of the town of Hickory for the ensuing year to the best of my ability: so help me God." After the commissioners, or a majority of them, have been thus qualified, the mayor (as chairman) shall declare the "board of commissioners of the town of Hickory" duly organized, when they shall appoint a secretary and treasurer and a town constable, both of whom shall hold their offices twelve months and until their successors are appointed and qualified, subject however to be removed at any time for misbehavior or neglect of duty in office and others appointed in their stead. Before acting each of the said officers shall be sworn to the faithful discharge of his respective duties and shall execute a bond, with sufficient security, payable to the "town of Hickory," in such sum as the board of commissioners may designate.

Oath of office.

Organization.

Secretary and Treasurer.

SEC. 8. The secretary and treasurer shall act as a clerk of the mayor's court and of the meetings of the board of commissioners. He shall keep a fair and regular minute of the

proceedings of all trials before the mayor, of all fines imposed or other judgments; preserve the books, papers and all articles committed to his charge during his continuance in office; keep a strict account of all money coming into his hands from any or whatever source belonging to said town, pay the same out upon the order of the board, approved by the mayor, and at the expiration of his term he shall deliver over to his successor all balance of money, books, papers and other property belonging to said town, and receive for his services such compensation as the board may allow.

SEC. 9. The town constable shall collect and pay over to the secretary and treasurer all taxes imposed by the commissioners according to the lists made out, all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the clerk of the mayor's court. He shall see that the ordinances and regulations of the board of commissioners are enforced, and report all breaches thereof to the mayor, to preserve the peace of the town by suppressing disturbances and apprehending offenders and taking them before the mayor; he shall execute all processes directed to him by the mayor or any justice of the peace of Hickory Tavern township within the limits of the town, and in the execution of such process may call to his aid such assistance as may be necessary. He shall have the same fees for his services as are allowed township constables for similar services, and such additional compensation as the board of commissioners may allow.

Constable to collect taxes, &c.

SEC. 10. The board of commissioners (a majority being present) shall have power to make such special ordinances for the better government of the town and the protection of the health and property of its citizens as may be deemed expedient: *Provided*, The same is in no conflict with the constitution and laws of this State, or of the United States. They shall provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or indecent exposure of the

Power to make ordinances, &c.

person, by imposing such fines or imprisonment within the jurisdiction of a justice of the peace, as they shall deem sufficient to prevent the same or a recurrence thereof. They shall provide for clearing and repairing the streets, preserving the trees on the squares and the sidewalks. The sidewalks on the north and south side of the public square shall be fifteen feet wide from the front of the widest piazza if desired by the owners of said property, and said sidewalk or sidewalks shall be in a straight line with the water drains outside of them and running as much as possible in the direction of the railroad water drains. Where this is impracticable the commissioners may, in order to get rid of the water, direct its course to the rear through the premises of any person who complains of its overflow in front of his premises, but the owners of such property, when the water gathers on their front, may raise their sidewalks and by so doing direct the course of the water in the direction of the Western North Carolina Railroad water drains, or by the nearest street leading to the rear around said owners' premises, and in the direction of some running water or hollow constituting a natural outlet for drainage. The commissioners shall not have power to direct the course of the water through the premises of any person where it will damage or overflow the basements of said property. They shall also keep open, free from obstruction (except railroad houses and property, lumber or other material to be shipped) one hundred feet on each side of the Western North Carolina Railroad, as far as first cross streets, and then as wide as may be deemed necessary for all purposes of conveyance as far as the corporate limits of the town, or at least half that distance, and from first cross streets, the width must be agreed upon between the commissioners and those persons owning the property immediately fronting the streets to be opened: *Provided*, That the town guard house shall not be required to be moved.

Proviso.

SEC. 11. For the purposes aforesaid the board of commissioners shall have power to levy and collect annually such

taxes on the polls, property, professions and such other subjects within the incorporation as are taxed by the State and county to an amount not to exceed one-half the State tax, as may be necessary to defray the expenses of the same and other expenses of the town government.

SEC. 12. The board of commissioners shall have full control of the sale of spirituous liquors within the limits of said town, or within one mile thereof, whether or not liquor shall be sold therein, in what quantities, and, if by retail, the amount of license tax and the conditions to be specified in a written penal bond in the sum of not less than five hundred dollars, payable to the town of Hickory, which may be put in suit to the use of any person injured by such sale, either in person or property, directly or indirectly; and the commissioners shall moreover have power to revoke such license and close up any bar-room at their option, sufficient cause being shown, without refunding any part of the license tax; and no license from the board of commissioners, or sheriff of Catawba county, shall be lawful in said corporation, without the license of the town corporation as aforeaid.

Board to control
sale of liquors, &c.

SEC. 13. In case of any vacancy in the office of mayor or the board of commissioners the same shall be filled by the board as soon as possible; and in case any person elected to the office of mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty dollars to the said town; and it shall be the duty of the secretary and treasurer to sue for the same if not paid upon demand.

Vacancy in office of
Mayor.

SEC. 14. The board of commissioners shall, as soon as they may deem it necessary for the convenience and interest of the town, provide for the erection of a market house and for the regulation of the same.

Market house.

SEC. 15. The mayor shall have no vote in the meetings of the board unless in case of a tie, as chairman, he give a casting vote. He shall keep his office in some convenient part of the town, to be designated by the board. He shall direct the clerk to keep a true record of all matters brought

Mayor to vote in
case of tie.

before him, all fines and penalties imposed, and perform such other duties as the board, by their ordinances, shall impose; besides his fees he shall receive such a salary as the commissioners may allow.

Duty of Secretary
and Treasurer.

SEC. 16. The commissioners shall annually cause the secretary and treasurer to make out a transcript of all receipts from any and all sources and the disbursements for whatever cause, and post the same in the mayor's office for the inspection of the citizens.

SEC. 17. For the enforcement of these laws, the collection of fines, penalties or taxes, the mayor and constable shall have all the power of a court and sheriff under the laws of the State in similar cases of default, and all penalties and forfeitures incurred by any minor or apprentice for violation of any ordinances of the town shall be recovered from the parent, guardian or master of such minor or apprentice.

Charter when to
take effect.

SEC. 18. This charter shall not go into effect until it shall have been ratified by the legal voters of the town of Hickory at an election to be held for that purpose, and the commissioners shall designate a day within one month after notification of the passage of this act, for an election to be held for its ratification or rejection, and ten days notice of such election shall be given at four public places in said town with a copy of this act appended thereto. The voters shall vote a printed or written ticket "accepted" or "rejected," and if a majority vote "accepted" then this act shall become, after proclamation of the mayor, the law of the town, and if a majority vote "rejected" then this act shall be of no force or effect whatever.

Repeal.

SEC. 19. All laws and clauses of laws inconsistent with the provisions of this act are hereby repealed, and this act shall be in force after its adoption as aforesaid.

Ratified this 18th day of December, A. D., 1873.

CHAPTER XXIV.

AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF
LINCOLNTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the following section be added to the act incorporating the town of Lincolnton, to-wit: That the board of commissioners of Lincolnton, by the consent of the township trustees in which said town is situate, may take charge of, work and repair the public road from Lincolnton to the bridge over Clark's creek, the Tuckasagee fence road to the Rocky branch, and the Rutherfordton road to the bridge over the South Fork river; and that the same rules and by-laws may be applied to them that are applied to the working of the streets of said town.

Ratified this 19th day of December, A. D. 1873.

CHAPTER XXV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE, AND FOR OTHER PURPOSES.

SECTION 1. *The General Assembly of North Carolina do enact*, That all acts, contracts, etc., heretofore made and done by the president and directors of the Catawba Toll Bridge Company, shall be as valid as if the board of directors had met "annually" "on the first Monday in May" and "at Newton," or whether said president and directors were strictly a legal board in accordance with the provisions of the original charter, by reason of such failure to meet: Acts legalized.

Proviso. *Provided*, Said acts or deeds are in all other respects in accordance with law.

President to call meeting. SEC. 2. It shall be the duty of the last elected president of the company to call a meeting of the stockholders at such place as he may designate, within sixty days after notice of the passage of this act, when they may proceed to elect new officers:

Provided, That all persons holding legal certificates of stock be allowed to represent the same in person or by proxy: *Provided further*, That all future meetings of the board or stockholders may be at any convenient place fixed upon by themselves.

Power to dispose of real estate. SEC. 3. The president and directors of said company shall have power to dispose of such real estate belonging to the company as they may deem of no value to the same: *Provided*, That they shall dispose of the proceeds of such sales as they think best for the interest of said Bridge Company.

Proviso. *Provided*, That they shall dispose of the proceeds of such sales as they think best for the interest of said Bridge Company.

Former charter declared in force. SEC. 4. That the charter heretofore granted to the Catawba Toll Bridge Company by the Legislature of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, is hereby declared to be in full force and effect.

When in force. SEC. 5. That this act shall have force and effect only after a majority of the stock in said company shall have accepted the same in a stock meeting held under the provisions of this act.

Ratified this 22nd day of December, A. D. 1873.

CHAPTER XXVI.

AN ACT TO INCORPORATE ATHENIA LODGE, NUMBER EIGHT,
KNIGHTS OF PYTHIAS, IN THE COUNTY OF CRAVEN.

SECTION 1. *The General Assembly of North Carolina do* Body politic.
enact, That the Chancellor Commander, Post Chancellor,
Vice Chancellor, Prelate, Master-at-Arms, Master of Ex-
chequer, Master of Finance, and Keeper of Records and
Seal, and members and their successors in office of Athenia
Lodge, number eight, Knights of Pythias, of the city of New-
bern, Craven county, are hereby incorporated as such, and
by that name shall have perpetual succession and a common
seal; may sue and be sued, plead and be impleaded, and in
general to exercise and enjoy all such rights and privileges
as are usually incident to corporate bodies of like nature.

SEC. 2. The said corporation shall have power to pass all By-laws, &c.
necessary by-laws and regulations for its own government
which may not be inconsistent with the constitution and
laws of the State, or the United States, or the supreme ju-
risdiction of the order of which said lodge is a subordinate.

SEC. 3. This act shall be in force from and after its rati- When in force.
fication.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXVII.

AN ACT TO AMEND AN ACT RATIFIED DECEMBER ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE ENTITLED AN ACT TO AMEND AN ACT RATIFIED THE TWENTY NINTH OF JANUARY ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE, IN REFERENCE TO AMENDING THE CHARTER FOR BUILDING A BRIDGE ACROSS PASQUOTANK RIVER. ALSO TO AMEND THE ACT OF ONE THOUSAND EIGHT HUNDRED AND TEN, CHAPTER THIRTY-THREE, SECTION TEN IN RELATION TO THE SAME BRIDGE.

Act of 1849 amended.

SECTION 1. *The General Assembly of North Carolina do enact*, That the act entitled an act to extend the time for the duration of the charter for erecting a bridge across Pasquotank river, ratified the twenty-ninth of January, one thousand eight hundred and forty-nine, be, and the same is hereby so amended as to authorize and empower the heirs of Samuel D. Lamb, to construct, keep, and use, so long as he or they may desire, a good and sufficient boat or flat, according to the dimensions and under the penalties prescribed in said act, ratified December, one thousand eight hundred and sixty-five, instead and in the place of the bridge required by the above recited charter.

Charter extended.

SEC. 2. That the time for the duration of said charter is hereby extended to said heirs of Samuel D. Lamb, for thirty years from the expiration of the extension allowed in the act ratified January the twenty-ninth, one thousand eight hundred and forty-nine.

Chapter 33, section 2, amended.

SEC. 3. That the act of one thousand eight hundred and ten, chapter thirty-three, section two, in relation to the same bridge across Pasquotank river spoken of in the act, hereby amended, be, and the same is so amended as to declare that no other bridge, boat or ferry, shall be established within three miles of the one allowed by said acts, any law, usage, or custom to the contrary notwithstanding.

SEC. 4. That this act shall be in force from and after its When in force.
ratification.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXVIII.

AN ACT TO INCORPORATE THE TOWN OF REIDSVILLE, ROCKING- HAM COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.
enact, That the town of Reidsville, in the county of Rock-
ingham, be, and the same is hereby incorporated by the
name and style of the town of Reidsville, and shall be sub-
ject to all the provisions contained in one hundred and
eleventh chapter of the Revised Code, and the same chapter
in Battle's Revisal, or so much of said chapters as does not
come in conflict with the constitution of this State, or of the
United States, or with the subsequent provisions of this act.

SEC. 2. That the corporate limits of said town shall be as Corporate limits.
follows: making Morehead street, where it crosses the rail-
road, the central point, extending one hundred and sixty
one poles north, and the same number of poles south, and
eighty poles east, and eighty poles west, from said centre.

SEC. 3. That the first regular election for mayor, com-
missioners and constable, shall be held on the fourth Thurs-
day in January, Anno Domini one thousand eight hundred
and seventy five, and every year thereafter: *Provided*, That Proviso.
the following officers, nominated and appointed under this
act, shall duly exercise the duties of the said offices until the
said election shall have been held, to-wit: for mayor, M.
Oakes; town commissioners, W. S. Allen, J. M. Harris, D.
Barnes, William Lindsay and Robert L. Williams, and for
constable, James Williams.

Chapter 122, laws of
1869-'70 to apply to
Reidsville.

SEC. 4. That section seven (7), chapter one hundred and twenty two, private laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, entitled an act to charter the city of Greensboro' shall apply to the town of Reidsville.

When in force.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified this 22d day of December, A. D., 1873.

CHAPTER XXIX.

AN ACT TO INCORPORATE BERNE LODGE NUMBER SEVENTY-ONE
INDEPENDENT ORDER OF ODD FELLOWS, NEWBERNE, NORTH
CAROLINA.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That William M. Watson, and the Noble Grand and other officers and members of Berne Lodge, number seventy-one Independent Order of Odd Fellows, located in the city of Newbern, North Carolina, be and hereby are incorporated into a body politic and corporate under the name and title of the "Berne Lodge, number seventy one, Independent Order of Odd Fellows," and by that name may have succession and a common seal; sue and be sued, plead and be impleaded before any court of record or before any justice of the peace, contract and be contracted with, acquire hold and dispose of real or personal property for the benefit of said lodge, and its members and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporation.

By-laws.

SEC. 2. The said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of the State or the United States, or of the supreme

jurisdiction of the order of which the said lodge is a subordinate.

SEC. 4. This act shall be in force from and after its ratification. When in force.

Ratified this 22nd day of December, A. D. 1874.

CHAPTER XXX.

AN ACT TO INCORPORATE THE CROSS CREEK CEMETERY COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Alfred A. McKethan, John D. Williams, Charles A. McMillan, Edmund J. Lilly, John Shaw, William D. Smith, Samuel J. Hinsdale, James C. MacRae, Philemon Taylor, William H. Tomlinson, John M. Beasley, Hugh McGuire, James Ahea and Joseph Monaghan, and their successors, and all persons who may hereafter be associated with them, be and they are hereby created a body politic and corporate in law, under the name and title of the Cross Creek Cemetery Company, and shall be subject to the general law of the State concerning corporations, so far as the same may be applicable to corporations of this character, and not inconsistent with the provisions of this act.

SEC. 2. That the property of the said company and the Exemptions.
 interest of each corporation therein shall be exempt from execution or attachment, and shall not be subject to the payment of any taxes whatever. That the rights and interests Rights and interests.
 of the several corporators shall not pass into the hands of personal representatives, but in the event of death shall remain in the families of each according to the course of descent.

SEC. 3. That every lot conveyed in the land owned by Lots.
 said company shall be held by the proprietor for the pur-

pose of sepulture, and the said proprietor shall be, by virtue of his purchase of said lot, a corporation in said company.

Streets, lanes, &c.

SEC. 4. That no streets, lanes, roads or alleys shall at any time be made or established over the land of said company, or any part thereof, without its consent, nor shall the same be condemned or taken in any manner for any public use without such consent.

Certain acts a misdemeanor.

SEC. 5. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, grave stone or other structure aforesaid, or shall wilfully destroy, cut, break or remove any tree, shoot or plant within the limits of said cemetery, or shall shoot or discharge any gun or other firearms, or shall behave in a disorderly manner within the limits thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county of Cumberland, or before the mayor of Fayetteville, shall be fined at the discretion of the court and be moreover liable to the company for the damage done by such act.

Certificates of conveyance.

SEC. 6. That a certificate, under the seal of the corporation, of the ownership of any lot in said cemetery shall have the same effect as a conveyance from said corporation executed, acknowledged and registered as conveyances of real estate are required to be.

Real estate.

SEC. 7. That said company shall hold such real estate as may be necessary for cemetery purposes and the transaction of its business.

Lands already conveyed.

SEC. 8. And whereas certain land has already been conveyed to the above named corporation in trust for the purposes of a cemetery, as set forth in the deed of conveyance thereof, now upon the acceptance of this charter by the said corporators the said land shall be held by the said company for the uses and purposes set forth in said deed, and the said trusts may be executed by the said company under rules, regulations and by-laws to be adopted by the same.

SEC. 9. This act shall be in force from and after its ratification. When in force.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXI.

AN ACT TO AUTHORISE THE COMMISSIONERS OF THE COUNTY OF WASHINGTON TO REMOVE THE COUNTY SEAT OF SAID COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Washington are authorized and empowered to submit to the qualified voters of said county, the question whether the county seat shall be removed from the town of Plymouth to McKey's ferry. Question submitted to qualified voters.

SEC. 2. That for this purpose the said commissioners may order an election to be held at the various townships in said county, on a day to be designated by them under the same rules and regulations as by law established for the election of members of the General Assembly. Election.

SEC. 3. That the said commissioners at any of their regular meetings may appoint such inspectors and poll keepers as may be necessary to hold such election. Inspectors and poll holders.

SEC. 4. That the said commissioners shall give at least thirty days notice of such election by posting at least four notices thereof in each township. Notice.

SEC. 5. That at such election those in favor of such removal shall vote a ballot whereon shall be written or printed "McKey's Ferry," and those opposed to such removal shall vote a ballot whereon shall be written or printed "Plymouth." Manner of voting.

SEC. 6. That the returns of such election shall be made to the commissioners of said county on the seventh day after such election under the same rules, regulations and Returns.

penalties as are prescribed for the election of members of the General Assembly.

Majority to decide.

SEC. 7. That if at such election there shall be cast a majority of the votes, whereon is printed or written "McKey's Ferry," the commissioners of said county shall remove the county seat to McKey's Ferry in said county and shall there erect all such county buildings as may be necessary and proper under such rules and regulations as may hereafter be established.

When in force.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this 22nd day of December, A. D., 1873.

CHAPTER XXXII.

AN ACT TO INCORPORATE THE ORIENTAL FISH AND OYSTER COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That William F. Howland, Levi C. Howland, Zephaniah J. Howland, and Ralph Howland, of the county of Carteret, in this State, and successors in office, be, and they are hereby created a body politic and corporate, by the name and style of the "Oriental Fish and Oyster Company," and by that name may sue and be sued, may plead and be impleaded, may purchase, acquire, hold and transfer real and personal estate sufficient to enable them to carry out the objects of the incorporation, and may adopt such rules and regulations for their government as they may deem necessary and proper, and may do all other acts and things which in law a body politic and corporate may of right do, not inconsistent with the constitution and laws of the United States, or of this State.

Object.

SEC. 2. The object of the company being to develop the

fish and oyster interests in Carteret county, and to more fully secure unto the said company the rights and privileges which to them justly belong: *The General Assembly do* Privileges.
further enact, That the said company shall have the exclusive privilege of catching fish and planting and raising oysters for the space of fifty years, at any point within the following boundaries: beginning at the high water mark, at Boundaries.
 a cedar stake, on the west side of the Whale creek, on Shackelford's Banks, in Carteret county, a mark of the eastward line of the Pigott heirs, and running north twenty-two degrees east, the course of the line of the said Pigott heirs, to the channel's edge, thence with the channel its various courses to the sea, thence the various courses of the sea, along the channel's edge, to a point opposite the eastward line of the Pigott heirs, thence north twenty-two degrees east to the high water mark on the sea shore, thence with the high water mark the various courses of the sea and sound to the beginning containing fifty-five acres more or less, of land and water.

SEC. 3. Any person or persons wilfully trespassing on the rights and privileges hereby granted, by removing oysters or catching fish or in any other manner whatever, within the boundaries prescribed under this act, shall be deemed guilty of a misdemeanor, and upon complaint of any one or more of the said corporators before any justice of the peace of Carteret county, and upon conviction thereon the person or persons so offending shall pay a fine of not more than fifty dollars nor less than five dollars, and be imprisoned not more than thirty days, nor less than fifteen days for each and every offence. Trespass and fines.

SEC. 4. This act shall be in force from and after its ratification. When in force.

Ratified this 22d day of December, A. D. 1873.

CHAPTER XXXIII.

AN ACT TO INCORPORATE THE YADKIN, NEW AND WATAUGA
TIMBER AND LUMBER RAFT COMPANY.

Formation of a
company author-
ized.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of opening the Yadkin river, the New river and the Watanga river, and improving the facilities for rafting timber, lumber, or transporting flats or other boats and materials on the waters of said rivers, from their sources to the South Carolina, Virginia and Tennessee lines, the formation of a company with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, is hereby authorized, to be called the Yadkin, New and Watanga Timber and Lumber Raft Company.

Capital.

Books of subscrip-
tion.

SEC. 2. That for the purpose of creating the capital stock of said company, it shall be lawful to open books of subscription thereto; in the county of Caldwell, under the direction of A. Carver and D. H. McKinnon; in the county of Rowan, Phineas Horton, B. A. Canier. That the said books of subscription shall be opened at the respective county seats of the counties named for twenty days each after thirty (30) days' notice in some public newspaper in the State of the time and places of subscription.

When a body poli-
tic.

SEC. 3. That when fifty shares shall have been subscribed and five per cent. of the amount subscribed shall be paid in cash, the subscribers, their heirs, executors, administrators and assigns, provided they shall be five in number, shall be and they are hereby declared to be a body, politic and corporate by the name and style of the Yadkin, New and Watanga Timber and Raft Company, and by that name shall be capable in law of purchasing and holding, selling, leasing, and conveying estates, real and personal, so far as may be necessary for the purpose hereinafter mentioned, and no further, and shall have perpetual succession; and by said corporate name, may sue and be sued, may have and use a

common seal and shall have and enjoy, and may exercise all the rights, powers and privileges of a body corporate for the purpose natued in this act, and may make and adopt all rules and regulations, by-laws for the government of the affairs of said company, and such laws regulating the marks, brands and other means of identity used or necessary to be used by said company, or any person rafting or transporting boats, timber, lumber or other material on the waters named in this bill; and the company may compel any and all brands or marks, giving design and description of the same to be registered in the books of the company or the register books of the county from which the lumber may be shipped: *Provided*, No by-laws shall be inconsistent with Proviso. the laws of the State or of the United States.

SEC. 4. That after one hundred shares shall have been Meetings called: subscribed, any then subscribers, may, after twenty days notice in a public newspaper of the time and place, call a meeting of the persons who have subscribed, who upon complying with the terms heretofore provided in this bill, shall be denominated stockholders, and the said stockholders shall elect a board of directors, who shall elect a president from their number; that the said president and board of directors shall continue in office for two years and until their successors are elected, unless the by-laws of said company, shall expressly limit the time to a shorter period. The president shall have power to fill any vacancy that may occur in the board of directors: *Provided*, That no director so appointed shall have the right to vote for president: *Provided also*, That all meetings of stockholders, each share of stock shall be entitled to one vote and only one.

SEC. 5. That it shall be lawful for the said company to cut Canals and locks. canals, build locks, and dredge shoals, erect booms, connect the rivers named by canals, build railroads or tram roads, and conduct a lumber business and transport all kinds of material on said waters or any portion of them, subject to the provisions, restrictions and conditions contained in the eighth section of this act.

When operations to commence.

SEC. 6. That when two thousand dollars (\$2,000) shall have been paid, it shall be lawful for the company to commence operations under this charter. They shall have a right to maintain suits for the collection of the amount of stock subscribed: *Provided*, Each stockholder shall be required to make advancements, *pro rata*, and that the stock may be sold for arrears of subscription under such regulations as the company may direct.

Relating to brands, &c.

SEC. 7. That the law for altering the mark of stock and the punishment annexed shall apply to all persons who shall maliciously alter, change or erase any registered brand of said company.

Power of officers, agents, &c.

SEC. 8. That the said president and directors, their officers, agents or servants have power to enter upon all lands through or in which they may desire to construct their works, and to lay out the same according to their pleasure, so that the mill house, yard, dwellings and any other building of any person be not invaded without his consent; and they shall have power to enter upon and lay out such contiguous lands as they may desire to occupy as depots, store houses, wood yards and toll houses, and such buildings as may be necessary for the officers, agents or servants, or for the necessary protection of the property of the company: *Provided*, That the lands laid out for the latter purposes shall not, in any one parcel, exceed two acres. If the president and directors or agent cannot agree with the owner or owners of lands so entered upon and laid out by them as to the terms of purchase, they shall apply to the county commissioners of the county, in which the land lies, who shall appoint three discreet persons, freeholders, who shall assess the damages arising from the condemnation of the land aforesaid, and in case the owner be an infant, idiot or insane person, notice of application shall issue to guardian ten days prior to the application; in case there shall be no guardian, then, upon ten days notice to the Clerk of the Superior Court, shall appoint a guardian. The order, appointing the commissioners, shall also appoint a day for their meeting, and they may adjourn

Provided.

from day to day until their business is disposed of, and that they shall then report the same to the first sitting of the county commissioners; and it is further provided that the president, board of directors or their agent may enter upon the adjacent lands and cut, quarry, dig and carry away any timber or other materials necessary for repairing, constructing, enlarging, damages to be assessed as hereinbefore pronounced.

SEC. 9. That it shall be lawful for the company, or their agent, to construct toll gates and receive tolls from any person or persons who may pass through their locks, booms, etc., but in no case shall the amount exceed ten cents on any (1,000) one thousand feet inch board measure of timber or lumber shipped, and not to exceed twenty-five cents per ton of materials through each boom or slide. Toll gates, &c.

SEC. 10. That it shall be lawful for the president, board of directors or their agent, in case of high water, to search for and recover any logs, lumber or other material that has lodged upon the land or premises of any other person, upon identifying the same upon oath or the oath of any other person. Power to recover.

SEC. 11. That the provisions of this act shall apply to the tributaries of the above named streams. Application of act.

SEC. 12. That this act shall be in force from and after its ratification. When ratified.

Ratified this 22d day of December, A. D., 1873.

CHAPTER XXXIV.

AN ACT TO INCORPORATE THE DIAMOND COTTON CHOPPER AND CULTIVATOR COMPANY.

SECTION 1. *The General Assembly of North Carolina do* enact, That J. W. Hinsdale, Jos. B. Underwood, Mrs. Sarah Corporators.

C. Underwood and Bond E. Sedburry and such other persons as they may associate with them and their successors, be, and they are hereby incorporated into a company by the name and style of "The Diamond Cotton Chopper and Cultivator Company," and as such shall have succession, and may have and use a common seal and change the same at pleasure, and shall have power and authority to hold, possess and enjoy property, and by deed dispose of the same, to sue and be sued, plead and be impleaded in any of the courts of this State.

Capital stock.

SEC. 2. That the capital stock of the said corporation shall be twenty thousand dollars, and that the same shall be devoted to the purchase of letters patent of the United States for a combined cotton chopper and cultivator. That the said capital stock shall be divided into shares of one hundred dollars each. That the said capital stock may be increased to two hundred thousand dollars.

Subscriptions.

SEC. 3. That the subscription to the capital stock shall be made at such times and places, and in such manner as shall be designated by the said John W. Hinsdale, Joseph B. Underwood, Mrs. Sarah C. Underwood and Bond E. Sedburry, and the share holders shall be entitled at all meetings of the stockholders to one vote for each share so held.

Directors.

SEC. 4. That the affairs of the company shall be managed by a board of four directors who shall be chosen annually by the stockholders, which board shall choose one of their number to be president, and one to be secretary. The president and directors so chosen shall serve for one year and until others shall be elected, as shall be provided by the by-laws of the corporation, and no omission to hold an annual meeting or to elect officers, or fill vacancies on the day prescribed shall work a forfeiture of this charter, but the same may be done on a subsequent day.

Term of office.**Sales and letters patent.**

SEC. 5. That all sales of interest in the letters patent, whether of territory, royalties or licenses, and all contracts made with and by said corporation shall be signed by the president and secretary of the corporation and sealed with

the corporate seal, and no contract unless so made shall be binding on the said company.

SEC. 6. That said corporation is created for and during the time of ninety-nine years. Time.

SEC. 7. That this act shall go into effect from and after its ratification. When in force.

Ratified this 17th day of January, A. D. 1874.

CHAPTER XXXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF CONCORD, IN THE COUNTY OF CABARRUS, CHAPTER THREE HUNDRED AND TWENTY-NINE, RATIFIED JANUARY TWENTY-EIGHT, ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE.

SECTION 1. *The General Assembly of North Carolina do enact,* That section sixteen be amended by adding to the end of said section the following words, to-wit: "And the mayor may at any time deputize or appoint any person to act as town constable *pro tem*, empowering him thereby to serve and execute any warrant or process the said mayor may issue; and by such appointment said person shall be vested with all the powers conferred on the regular town constable by the preceding section." Section 16 amend ed.

SEC. 2. That section twenty-three be amended by substituting the word "person" for the words "slave or free negro," in twenty-eighth and thirty-second lines of said section, by striking out the words "free negro or the owner of any slave," at the end of thirty-fifth and beginning of thirty-sixth lines, and inserting in lieu thereof the words "such person," and by substituting the words "person or" for the words "slaves or free" in forty-second line. Section 23 amend ed.

Section 24 amend-
ed.

SEC. 3. That section twenty-four be amended by inserting immediately after the word "that" in first line of said section the following: "The said board of commissioners shall be and are hereby invested with full power and authority to regulate all fines and fees in every respect in anywise appertaining to said corporation, by increasing or diminishing the same in amount or value, or by striking out or adding thereto and to open, widen and lay out all streets, pavements, culverts and ditches, which they may think necessary in said town, under the laws and regulations applicable to township trustees in laying out and opening public highways.

Section 27 amend-
ed.

SEC. 4. That section twenty-seven be amended by inserting the words "and any kind of fireworks" after the word "arms" in third line, and by substituting the words "ten days" for the words "three months" in the thirty-eighth line of said section.

General amend-
ment.

SEC. 5. That the word "mayor" be substituted for the words "intendant of police" wherever said words may occur in said act.

When in force.

SEC. 6. That this act shall take effect and be in force from and after its ratification.

Ratified this 17th day of January, A. D. 1874.

CHAPTER XXXVI.

AN ACT TO AMEND THE CHARTER OF THE FAIR OF THE CAROLINAS AT CHARLOTTE

SECTION 1. *The General Assembly of North Carolina do enact*, That the act passed by the General Assembly of North Carolina, and ratified on the twenty-third day of March, one thousand eight hundred and seventy-one, be amended as follows:

SEC. 2. That the said Fair of the Carolinas shall hereafter be managed by a board of directors of such number as the stockholders may determine, and said board shall elect one of their own number president of the board and of the Fair of the Carolinas. Three members of the board, with the president, shall be a quorum for the transaction of business.

Amendment.

Quorum.

SEC. 3. That the board of directors, or a majority thereof, shall have power to borrow money and issue bonds to a sum not exceeding twenty-five thousand (\$25,000) dollars, with coupons for interest payable annually or semi-annually, at their discretion, at a rate not exceeding eight per centum per annum, said bonds to be issued in such form and amounts as the board of directors may determine and payable at such period as they may fix. That the board of directors are authorized by mortgages or deeds of trust to convey the property of the Fair of the Carolinas to secure the payment of said bonds and interest at maturity.

May issue bonds, &c.

SEC. 4. That to promote the agricultural and other interests of this State, the directors may have during their fairs or at other times, on their grounds, sales of stock, agricultural implements, or any other article in their judgment conducive to the interests of the corporation, and may charge such rate of commission, to be paid by the seller, as they may deem reasonable; such sales to be conducted by any one appointed by the board. And that said board may allow sales by dealers and exhibitors of any goods or wares on exhibition on such terms and rates as the said board may fix: *Provided*, No grant of money is hereby intended.

Sales of stock.

SEC. 5. That any grant or other privilege granted to any other fair or agricultural or mechanical society or association in this State, by this or any previous General Assembly of North Carolina, the same is hereby granted as fully to the Fair of the Carolinas as if expressly named in this act: *Provided*, That no gambling shall be allowed on the fair grounds.

Privileges granted.

Proviso.

SEC. 6. That at all meetings of stockholders each stock-

Votes:

holder shall be entitled to one vote for each share of stock held by him in the corporation.

Amendment to be submitted to stock holders.

SEC. 7. This act shall be submitted to a meeting of the stockholders, to be called at such time as the board of directors may determine, and when approved by a majority of stock represented in the meeting, shall be of full force and effect. But if from any cause this amended act should not be accepted, or the property of the Fair of the Carolinas be sold under the mortgage now upon it, then the purchasers of the property of the Fair of the Carolinas are hereby created a body politic and corporate, with all the rights, powers and privileges granted under the original act of incorporation or this amended act.

In case of sale, purchasers, &c.

Repeal.

SEC. 8. That all parts and clauses of the original act chartering the Fair of the Carolinas inconsistent with this act be and the same are hereby repealed.

Ratified this 19th day of January, A. D. 1874.

CHAPTER XXXVII.

AN ACT TO INCORPORATE THE PEOPLE'S BANK OF MONROE.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Hugh M. Houston, John D. Stewart, E. A. Armfield, Amos F. Stevens, Thomas D. Winchester, Culpepper Austin, William H. Fitzgerald, Benjamin F. Houston, Samuel H. Walkup, Thomas D. McCauley and Abram H. Crowell, their associates and successors, be and the same are hereby constituted and declared a body politic and corporate by the name and style of the People's Bank of Monroe, and shall continue for the term of sixty years, with capacity to take, hold and convey real and personal estate, and shall have, enjoy and exercise all the powers, rights and privileges granted to any bank or banking institution, together with

conferred on corporations by the general law of the State relating to corporations.

Currency.

SEC. 6. That the said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper, and public or other securities; may purchase and hold such real and personal property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debit, and lend money on such

Proviso.

terms as may be agreed on: *Provided*, The rate of interest shall not exceed eight per cent.; may receive on deposit moneys on terms to be agreed on between the officers and depositors; may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing such rates of interest as may be

Provided.

agreed on: *Provided*, The rate of interest shall not exceed eight per cent. between the parties, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit, signed by the proper officers of the bank, shall be as binding as if the same were under the seal of the bank.

Failure to pay
stock.

SEC. 7. That if any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the banking house in Monroe, after advertisement of sale for twenty days in some newspaper published in the town of Monroe; and in case there be none such, then in any newspaper published in the State; and if at such sale the price should not be sufficient to discharge

the amount unpaid with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

SEC. 8. That if any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action; and in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note, payable to the bank, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Assignments.

SEC. 9. That the president and directors shall be capable of exercising any such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders; and may regulate the terms and rates on which discounts and loans may be made and deposits received: *Provided*, That the rate of interest shall not exceed eight per cent by the bank; and they shall direct when the dividends of profit shall be made; may call a meeting of the stockholders whenever they may think proper; and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty day's notice in a newspaper published in the town of Monroe, and in absence of such, in any newspaper published in the State; and at all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers, &c.

Provided.

SEC. 10. That agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Agencies.

SEC. 11. That to aid planters, miners, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons, any sum or sums of money; and to se-

Advancements, &c.

cure the repayment of the same, take in writing a lien or liens on the crop or crops to be raised, even before planting the same, or upon the present or prospective products of any mining operations, or upon any article or articles then existing or thereafter to be made or manufactured or purchased, or otherwise acquired; and any liens so taken in writing, shall be good and effectual in law: *Provided*, The same is duly recorded under existing laws of registration, anterior to all other liens and mortgages for securing such loans or advances; and the said bank shall have power to make loans upon mortgages of real and personal property with powers of sale inserted upon default of payment, and also to receive in storage or warehouse any cotton, wheat, corn or other produce, or any manufactured article whatsoever as a pledge or pledges for the repayment of any moneys loaned upon the faith of the same, the said lien, pledges or mortgages, being duly recorded and registered as in the case of mortgages and deeds of trust; and any sales made thereunder according to the terms therein recited, shall be good and valid in law.

Provided.

When in force.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this 20th day of January, A. D. 1874.

CHAPTER XXXVIII.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND ONE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, AND TO AMEND CHAPTER NINETY-FIVE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and one, of the private

laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, entitled "an act appointing a weigher of cotton and inspector of flour and salt fish for the city of Raleigh," shall be amended to read as follows :

SEC. 2. There shall be appointed in the manner, hereinafter to be provided, not less than two nor more than six competent persons, whose duty it shall be when required so to do, to weigh all baled cotton offered for sale in the city of Raleigh, who shall hold said appointment until the first day of April, one thousand eight hundred and seventy-five, and annually thereafter from first of April to first of April, of each year. Weighers of cotton

SEC. 3. The Board of Trade, of the city of Raleigh, and an association of farmers, in Wake county, known as "Raleigh Grange, Number Seventeen, Patrons of Husbandry," shall immediately, after the ratification of this act, and annually thereafter twenty days preceding the first day of April, jointly appoint not less than two, and may appoint as many as six persons as weighers of cotton for the city of Raleigh, as provided in section two of this act, and may, at any time, when the necessity may arise, appoint, for an unexpired term, such additional weigher or weighers as they may deem necessary. Board of trade.

SEC. 4. It shall be the duty of the judge of probate for the county of Wake, upon the presentation of a certificate of appointment, signed by the President of the Board of Trade, for the city of Raleigh, and countersigned by the chief officer of said association of farmers, to take a justified bond of the party, payable to the State of North Carolina, in the sum of five thousand dollars, conditioned upon the faithful discharge of the duties of his office, which said bond may be put in suit on the relation of any person injured by the neglect or misconduct of the principal therein. Judge of probate to take bond.

SEC. 5. It shall be the duty of such weighers to keep a record in a book for that purpose, a correct entry of the weights of all cotton weighed by him, and to make just and To keep record.

Provided, however. fair deductions for wet cotton, dirt and excess of tare : *Provided however*, That if any person, interested, shall be dissatisfied with the deduction, he shall call in another weigher as aforesaid, and in case they two shall not agree to the satisfaction of the parties interested, they shall call in a third party, unobjectionable to either buyer or seller, and his decision shall be final.

Office of weigher.

SEC. 6. Every such weigher shall keep an office either on Market square, Salisbury, Fayetteville or Wilmington street, between Davie and Hargett streets, or on either of the cross streets running from Wilmington to Salisbury street, not north of Hargett, nor south of Davie street, or at such other place or places as may be designated by the commissioners of the city of Raleigh, which office shall be kept open from sunrise to sunset each day from September first to April first, and from seven o'clock a. m. to four o'clock p. m. from April first to September first, Sundays excepted; and upon complaint made and proper cause shown by the parties appointing, the judge of probate shall have power to remove such weigher at any time and declare his place vacant, which shall be filled by appointment, as provided in section two of this act. The charges for weighing each bale of cotton shall be ten cents, to be paid by the seller.

Weigher to have scales, &c.

SEC. 7. Every such weigher shall equip himself with correct standard scales, to be attested and stamped by the standard keeper, for the county of Wake, at least once in two months, and on failure so to do, shall forfeit one hundred dollars for every day he so refuses or neglects said standard tests, to be recovered by action of any buyer or seller of cotton, in the city of Raleigh, upon his official bond.

Repeal.

SEC. 8. All laws and clauses of laws coming in conflict with this act are hereby repealed.

When in force.

SEC. 9. This act shall be in force from its ratiification. Ratified this 20th day of January, A. D. 1874.

CHAPTER XXXIX.

AN ACT TO INCORPORATE THE LADIES' MEMORIAL ASSOCIATION OF
WILMINGTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Mrs. Mary C. Anderson, Mrs. Mary S. Thomas,
Mrs. Harriet Tennant, Mrs. Julia E. Oakley, Mrs. Mary E.
Cushing, Mrs. Eliza C. Davis, Mrs. Susan Eugenia Moore,
Mrs. Caroline N. Carr, Mrs. Sallie M. Holmes, Mrs. Catha-
rine Fulton, Mrs. Margaret C. Englehard, Mrs. Barbara
Weill, Mrs. Mary Northrop, Misses Hettie James, E. C.
Burr and Mary Harris, their associates and successors, be,
and they are hereby created a body politic and corporate by
the name and style of the Ladies' Memorial Association, of
Wilmington, North Carolina, and by that name shall have
perpetual succession and a common seal, and shall be capable
of acquiring and holding real and personal property, of
making such by-laws and rules of order for their better gov-
ernment and regulation as they may deem proper, and shall
have such other and further privileges as are accorded to
corporations under the general laws of this State.

SEC. 2. This act shall be in force from and after its ratifi- When in force.
cation.

Ratified this 21st day of January, A. D., 1874.

CHAPTER XL.

AN ACT TO INCORPORATE THE TRUSTEES OF FAIRFIELD ACADEMY
IN THE COUNTY OF HYDE.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Jones Spencer, D. P. H. Simmons, H. C. Carter,
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J. S. Carter, and Henry Jones, their associates and successors, are hereby created a body politic and corporate, under the name and style of the Trustees of the Fairfield Academy, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold, in their corporate capacity, property, real and personal, such as may be necessary and suitable for maintaining a school of high grade in or near the village of Fairfield, in the county of Hyde, with power to make all needful rules and regulations for their own government, and that of the said academy, and shall have continual succession for the period of ninety-nine years.

Vacancies.

SEC. 2. That in case of vacancy occurring in said board of trustees such vacancy shall be filled by appointment by the remaining members thereof.

When in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 26th day of January, A. D. 1874.

CHAPTER XLI.

AN ACT AUTHORIZING AND EMPOWERING THE COMMISSIONERS OF THE CITY OF RALEIGH TO APPOINT AN INSPECTOR OF WOOD AND COAL.

Commissioners to appoint.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the city of Raleigh may appoint one or more inspectors of wood and coal whose term of office shall continue one year from the date of the appointment, and said appointee or appointees shall take and subscribe an oath for the faithful performance of the duties of his or their office, and the duties of said office shall be prescribed by a majority of the said board of commissioners at a regular meeting and at no other; and the said board in

said regular meeting convened, may fix the pay of such inspector or inspectors, and shall determine which party shall pay, the buyer or seller: *Provided*, That nothing herein Proviso. contained shall in any manner apply to wood or coal purchased by or for the State of North Carolina, or any department or agency thereof.

SEC. 2. That all acts or clauses of acts in conflict with Repealed. this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its When in force. ratification.

Ratified this 27th day of January, A. D. 1874.

CHAPTER XLII.

AN ACT TO INCORPORATE THE UNITED BROTHERHOOD SOCIETY, OF NEWBERN, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Corporators. *enact*, That Simon Harrison, Wm. F. James, Moses T. Bryan, Joseph Dunks, Virgil A. Crawford, Bristo Latham, Willis Moore, J. B. Abbott, Thos. Morris, James Allen, Southey Fronville, William Bryan, Sylvester Mackey and Edward R. Dudley, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the United Brotherhood of Newbern, North Carolina.

SEC. 2. That with the above name they and their asso- Rights and powers. ciates and successors shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and in general exercise and enjoy all the rights, powers and privileges that are usually incident to corporate bodies of like nature.

SEC. 3. That this act shall be in force from and after its When in force. ratification.

Ratified this 28th day of January, A. D. 1874.

CHAPTER XLIII.

AN ACT TO INCORPORATE THE TOWN OF PINE LEVEL, IN THE COUNTY OF JOHNSTON.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Pine Level, in the county of Johnston, be and the same is hereby incorporated by the name and style of the town of Pine Level, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the constitution and laws of this State or of the United States; also subject to the provisions of the general laws in relation to incorporations.

Boundaries.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the culvert near Bridgers Crocker's, on the North Carolina Central Railroad, and runs with said Crocker's ditch to the canal in Moccasin swamp; thence southeast with said canal to R. Pilkinton's line; thence southwest to the Primitive Baptist church house; thence west to the Smithfield road; thence direct from said Smithfield road to the beginning.

Officers.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and constable. It shall be the duty of the sheriff of Johnston county, or any justice of the peace in Selma township, within thirty days after the ratification of this act, after giving ten days' notice by advertising at three public places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and State elections are held.

Commissioners may grant license.

SEC. 4. It shall not be lawful for the county commissioners of Johnston county to grant license to any person to retail spirituous liquors within the corporate limits of the town of Pine Level without his having a recommendation in writing from the mayor and a majority of the commis-

sioners of said town to that effect, and any license granted without such recommendation shall be void.

SEC. 5. The said commissioners shall have power to pass By-laws, &c. all by-laws, rules and regulations for the good government of the corporation not inconsistent with the laws of this State and United States.

SEC. 6. The commissioners shall have power to levy a tax not to exceed fifty cents on the poll and not to exceed twenty-five cents on the one hundred dollars' valuation of property.

SEC. 7. The commissioners shall have power to tax all Taxation. subjects of State taxation within the corporate limits to an amount not to exceed one-half of the amount of State tax, and shall have power to abate all nuisances and may impose such fines as may be necessary to abate them.

SEC. 8. It shall be the duty of said commissioners to spend Application of tax the tax so levied and collected in repairing the streets and sidewalks.

SEC. 9. This act shall be in force from and after its ratification. When in force.

Ratified this 30th day of January, A. D. 1874.

CHAPTER XLIV.

AN ACT CONCERNING ROCK SPRING SEMINARY AND TO INCORPORATE A BOARD OF TRUSTEES THEREFOR.

SECTION 1. *The General Assembly of North Carolina do enact,* That Rev. J. W. Puett, J. A. Keids, F. W. Howard, Jos. B. Shelton and Thomas Thompson, and their successors be and they are hereby declared to be a body politic and corporate, to be known as the "trustees of Rock Spring Seminary," in Lincoln county, and the said trustees shall have succession and a common seal, and be capable in Corporators

law to sue and be sued, plead and be impleaded, in all the courts of the State having jurisdiction.

Trustees to elect,
&c.

SEC. 2. That the said trustees shall have power to elect their officers, consisting of a chairman, secretary and treasurer, and to establish such rules and regulations for the observance of order and decorum, and for the removal of any nuisance from the incorporation at any and all times, not inconsistent with the constitution and laws of the State.

Corporate limits.

SEC. 3. That the said incorporation shall extend for the distance of two miles in each and every direction from the seminary buildings.

Spirituous liquors.

SEC. 4. That it shall not be lawful for any person to sell, give away or dispose of spirituous liquors at or within two miles of said seminary, and any person violating said prohibition shall be guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not less than twenty, nor more than fifty dollars, or imprisoned not less than three months, one or both at the discretion of the court.

Vacancies.

SEC. 5. That in case of death, or refusal to act, or removal of any of the persons named as trustees in this act, the remaining trustees shall have power to fill the vacancy, and all after occurring vacancies: *Provided*, That not less than five nor more than ten persons shall be trustees under this act.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 30th day of January, A. D. 1874.

CHAPTER XLV.

AN ACT TO INCORPORATE THE TOWN OF TEACHEYS, IN DUPLIN COUNTY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Teachey's, in Duplin county, be

and the same is hereby incorporated by the name and style of the town of Teachews, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the constitution and laws of this State and the United States.

SEC. 2. That the corporate limits of said town shall be as follows: Rehoboth Lodge to be the centre, and the limits to extend one-fourth mile in every direction from said lodge. Corporate limits.

SEC. 3. The officers of said corporation shall consist of a mayor and six commissioners and constable, and the commissioners shall have power to appoint a secretary and treasurer. Officers.

SEC. 4. That the commissioners shall have power to pass all by-laws, rules and regulations for the good government of said town, not inconsistent with the laws of the State or of the United States, and shall have power to tax all taxables within the incorporation not to exceed one-fourth of the State taxes. By-laws, &c.

SEC. 5. That until their successors are elected under the laws of the State, Cornelius McMillan, D. W. Alderman, G. J. McMillan, H. F. Bland, D. H. James and J. C. McMillan, shall act as commissioners, and shall have power to appoint some person to act as mayor. Who to act till others elected.

SEC. 6. That there shall be no grog shop, lager beer saloon or other place licensed or permitted to sell alcoholic liquors unless the actual inhabitants, at a regular election, shall otherwise direct. Grog shops.

SEC. 7. That it shall be the duty of the persons elected under the laws of the State to go before some justice of the peace, for said county, and take the oath prescribed by law, within five days after their election, and shall appoint a mayor and constable and secretary and treasurer, if they deem it necessary. Oath.

SEC. 8. This act shall be in force from and after its ratification. When in force.

Ratified this 30th day of January, A. D., 1874.

CHAPTER XLVI.

AN ACT TO INCORPORATE THE "NORTH CAROLINA GOLD AMALGAMATING COMPANY."

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That T. J. Cram, B. Arthur Mitchell, Augustine B. Crosby, Joseph G. Mitchell, Lloyd P. Smith, and their associates, successors and assigns, or any three of them, be, and they are hereby created and made a body politic and corporate by the name, style and title of "The North Carolina Gold Amalgamating Comp ny," and by such name and title shall have continual succession for the purpose of working, mining, milling, purchasing, manufacturing, smelting, assaying, reducing or otherwise treating ores, earths, minerals and metals; and for building, erecting and owning machinery and fixtures for any of said purposes, or for sale, barter or exchange, and for holding, owning, leasing, mortgaging or selling such real or personal estate as may be necessary in connection with the other privileges herein granted; and to erect houses, mills and other buildings upon, and otherwise improve any lands leased or held by them; and for making, buying and selling such matters and things as appertain to their business; and shall be capable of suing and being sued, impleading and being impleaded, and of having and using a common or corporate seal, and the same to alter and change at pleasure; and of granting and receiving in its corporate capacity and name, property, real, personal and mixed.

Capita..

SEC. 2. The minimum capital stock shall be one hundred thousand dollars, to be divided into shares of not less than one hundred dollars each, with power to increase the capital stock from time to time, by a majority vote of the stockholders, to a sum not exceeding two million and one half (\$2,500,000) dollars.

SEC. 3. The principal office of the company shall be at "Gold Hill," Rowan county, with such branch offices located

wherever they may deem proper, as may be necessary for the transaction of the business of the company; and the affairs of the company shall be managed by a board of directors of such number as the stockholders may select and choose, a quorum of whom may be such number as the stockholders may name, but for the purpose of organization, the corporators herein named shall constitute the board of directors, and shall hold office until their successors are elected and qualified. The officers of the company shall be a president and such other officers as the board of directors shall name, and all offices except president may be abolished or combined by a majority vote of the stockholders.

SEC. 4. The subscription to the capital stock of said company shall and may be paid in such installments, in such manner and in such property, real or personal, as a majority of the corporators herein named may determine, but the stockholders of this company shall not be liable for any loss or damage or responsibility beyond the assets of the said company; and the said company may make, alter, repeal or amend such by-laws and regulations covering all points of organization and business not herein specifically provided for, as they may deem necessary and proper; *Provided*,
Subscription.
Proviso.
 The same are not inconsistent with the constitution of the United States or of this State, or the provisions of this act.

SEC. 5. The said company may issue certificates of stock in such form and subject to such regulations as they may from time to time prescribe, with power also to issue bonds with coupons attached or other evidences of debt, borrow money and buy and sell patent rights, and dispose of privileges, to work under and use said patents or portions thereof, reserving royalties or payments under the same, in such way and manner as they may prescribe, and regulate and direct in what manner their contracts and obligations shall be made and executed, and generally to do all other matters and things necessary to the proper and successful transaction of the business for which it is organized.
Certificates of stock

When in force.

SEC. 6. This act shall be in full force and effect from and after the date of its ratification.

Ratified this 30th day of January, A. D. 1874.

CHAPTER XLVII.

AN ACT TO INCORPORATE THE MEMBERS OF THE CONGREGATION
OF UNITED BRETHREN OF THE TOWN OF SALEM.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the members of the Congregation of United Brethren, commonly called Moravians, of the town of Salem and its vicinity, be, and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style and title of "The Congregation of United Brethren of Salem and its vicinity."

Powers, &c.

SEC. 2. That the said corporation by the same name, style and title, shall have perpetual succession, and be able to sue and be sued, to plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold and receive to them and their successors in trust for, and also to the use of said congregation, any lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which are now, or shall, or may at any time hereafter become the property of the said congregation or body politic by purchase, gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell, improve or dispose of for the use and benefit of the said congregation: *Provided*, That it shall not be lawful for said corporation to hold and enjoy at any time more than sixteen hundred acres of land, except such lands as shall be purchased at sales, where the same may be necessary to se-

Proviso.

cure any debt due to said Congregation, nor to appropriate any of the surplus funds of said corporation to any other than charitable or religious, or such other purposes as shall expressly be specified in this act.

SEC. 3. No misnomer of said corporation or their successors shall defeat or annul any gift, grant, devise or bequest to or from said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or from the said corporation.

Gifts and grants.

Proviso.

SEC. 4. The secular business of the said corporation shall be conducted by six trustees, of whom four shall be a quorum, and who shall choose from among their number a president, and may appoint a secretary and a treasurer to serve for the ensuing year, either from among themselves, or from among the members of the said congregation qualified to be elected as trustees, according to the fifth section of this act. The secretary shall keep true and correct minutes of the acts and proceedings of the board of trustees, and the treasurer shall receive, disburse and account for all moneys coming into his hand, belonging to the said corporation, and shall, if required by the said trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually settled by the trustees, to be laid before the Congregation at a general meeting. The said trustees may likewise appoint such other officers as they may from time to time deem necessary for the proper management of the secular affairs of the Congregation, and they may allow such compensation to all officers appointed by them for services rendered as they may deem just and reasonable; and the said trustees may also at any time remove any of the officers appointed by them, and appoint others to supply their places when in their opinion the interests of the Congregation require it. The said trustees shall also fix upon the amount of contribution to be paid regularly, yearly, half yearly or quarterly, by every member of the Congregation of twenty-one years of age and upwards, at the rate of not

Business conducted by trustees.

less than fifty cents and not more than ten dollars annually from any one member, and collect the same; and shall have power to exonerate members on account of their disability to pay if they deem it just and expedient; and they shall annually enquire, ascertain and report to the board of elders, whether any member or members have failed or refused to pay their contribution within the current year, on which report the board of elders shall take such action, and make such order as shall by them be deemed expedient and right.

Trustees.

SEC. 5. The following named persons shall fill the said office of trustees until others be elected, as hereinafter provided, namely: J. W. Hunter and Henry W. Fries, to serve till the first Tuesday of May, one thousand eight hundred and seventy-six; Edward T. Blum and Augustus F. Pfohl, to serve till the first Tuesday of May, one thousand eight hundred and seventy-five, and John D. Siervers and John G. Sides to serve till the first Tuesday of May, one thousand eight hundred and seventy-four, on which day and on the same day annually, thereafter, the members of the said Congregation, qualified to vote by the seventh section of this act, shall elect from their body two persons as trustees for the term of three years, in place of those whose term shall have expired: *Provided*, That no person shall be eligible as a trustee who is not at the time of his election a citizen of this State, and shall not have attained to the age of twenty-five years, and who shall not have been at least three years preceding his election, a communicant member of this church, and shall not have paid his annual stated contribution, if any was collected, within one year, next preceding his election, according to his ability; nor shall any person hold and exercise the office of a trustee after he shall have ceased to be a member of the said Congregation; and in case of vacancy by death, resignation, disability, refusal or neglect to serve or otherwise, the vacancy or vacancies shall be supplied by the remaining trustees until the next annual elections.

Proviso.

SEC. 6. If the Congregation fail on the day of the annual election to elect new members, as provided, this corporation shall not be dissolved, but the outgoing members shall hold over until their successors are elected at a meeting called, as provided for in section seventh. Elections.

SEC. 7. Every male communicant member of said Congregation who shall have attained the age of twenty one years and shall have paid, within one year, his stated contribution toward the discharge of the yearly expenses of the Congregation, if any was collected, unless he became twenty-one years of age after any contribution was due; and also all ordained ministers being full members of this Congregation, and no other, shall be entitled to vote at the elections of said Congregation, or at any meeting of the said Congregation, and all elections shall be by ballot. All notices of elections and meetings of the Congregation shall be published from the pulpit or desk on an occasion of public worship, or in such other way as the board of elders shall direct, and in all cases a majority of the duly qualified voters shall govern at meetings of the Congregation; and all meetings of the Congregation shall, in the first place, be called and ordered by the board of elders; and upon application of the board of trustees, or ten or more voting members of the Congregation, the board of elders shall call a meeting. Communicants.

SEC. 8. The board of elders shall be composed of the minister or ministers of the congregation, the president of Salem Female Academy, and three elders, a majority of whom shall constitute a quorum, of which board the senior minister or pastor shall be president; and the said members of the board of elders shall choose from their number a secretary; and in the absence of the president, a chairman *pro tem*. Besides the above named official members of the board of elders, the following named persons shall fill the said office of elders, until others be elected, as hereinafter provided, viz: Jacob L. Fulkerson, to serve until the first Tuesday of May, one thousand eight hundred and seventy-six; Edward W. Lineback, to serve until the first Tuesday, Board of elders.

of May, one thousand eight hundred and seventy five ; and J. Nathaniel Blum, to serve until the first Tuesday of May, one thousand eight hundred and seventy-four, on which day and on the same day annually thereafter, the members of the said congregation, qualified to vote by the seventh section of this act, shall elect from their body one person as elder for the term of three years, in place of the one whose term shall have expired. The elections for elders are to be held at the same time and place, and in the same manner provided for and directed in section fifth of this act, for the election of trustees. If the congregation fail on the day of the annual election to elect a new member, as provided, the outgoing member shall hold over until his successor is elected at a meeting called as provided for in section seventh :

Provided, That nothing herein contained shall be so construed as to permit the same person serving as trustee and elder at the same time, and *Provided further*, That in case of vacancy by death or otherwise among the said elders as elected, the remaining members of the board of elders may supply the vacancy until the next annual election from the members of the congregation duly qualified, *and provided further*, That no one shall be elected an elder who is not thirty or more years of age, and a member of the Moravian church of five years' standing, and himself qualified to vote according to the seventh section of this act.

Proviso.

Proviso.

Proviso.

Ministers.

SEC. 9. No person or persons shall be minister or ministers, or assistant minister or assistant ministers of this congregation, or shall be allowed to act as such who shall not have been from time to time duly appointed by the proper authorities, according to the recognized rules and principles of the church of the United Brethren and the southern district of the said church in the United States of America ; nor shall any minister or assistant minister continue to officiate any longer in this congregation, unless with the consent of the said authorities, after his appointment shall have been revoked by the said duly constituted authorities of the said church of United Brethren ; but whenever, in

case of a vacancy by death or otherwise, in the pastoral offices of the congregation, a person duly qualified has been appointed by the proper authorities of the church of the United Brethren as above directed, the name of the person so appointed shall be by the proper authorities laid before the board of elders, and then before the board of trustees, and these boards shall decide whether the person whose name is laid before them shall be accepted or not; and the said trustees and their successors shall at all times and forever hereafter make suitable provisions for a decent and adequate salary of the ministers or assistant ministers duly appointed as hereinbefore directed, and shall in no case prevent the said ministers or assistant ministers, in any meeting house or houses of worship belonging to said congregation, from expounding and explaining God's Holy Word, nor from executing the discipline of the church of the United Brethren and administering the sacraments therein according to the doctrine and discipline of the said church of the United Brethren in the United States of America.

SEC. 10. The said board of elders shall have full power and authority at all times to ordain and establish such by-laws, ordinances, rules and regulations as shall be necessary and proper for their own government: and said board shall be the executive body, to carry out the principles and rules now in force or which may from time to time be enacted by the proper authorities of the church of the United Brethren in the United States of America, for regulating the discipline of the members of the congregation and for promoting religion in the same: *Provided*, That all the acts of the said board of elders shall be conformable to and in no wise inconsistent with the principles and constitution of the church of the United Brethren in the United States of America: *And provided further*, That nothing in this act shall be so construed as to prevent the said board of elders from expelling any member according to the rules and regulations of the church of the United Brethren in the United States of America, and by such expulsion depriving him or her of all

Elders to ordain.

Proviso.

Proviso.

the rights and privileges hereby granted, subject, nevertheless, to an appeal to the board of Brethren, who, according to the rules and constitution of the southern district of the church of the United Brethren in the United States of America, are or may be appointed to superintend the general concerns of the said district of the church.

Trustees to manage
secular affairs.

SEC. 11. The said trustees and their successors shall have the control over and management of all the secular and pecuniary affairs of said congregation, the care of the house or houses of worship, parsonage and parsonages, school house or school houses, grave yard and all other church property now or hereafter belonging to the said Congregation, and all other temporal concerns and business of the Congregation, and they and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for their own government, and for the regulation and transaction of the secular business of the Congregation, and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and all bonds, notes, judgments and mortgages to be given, made and executed, and all deeds for any real estate sold at any time, shall be made, signed, sealed, executed, and delivered by the president of the board of trustees, on order of said board; and the said trustees and their successors shall have full power to sell and make title as above directed, to all lots or parcels of land sold by them: *Provided*, That a majority of the qualified voters of said Congregation present at a general meeting, or a special meeting called for the purpose, have given their assent to such sale, and the said trustees and their successors shall not dispose of, alien, sell, or in any way encumber the other real estate belonging to said Congregation, except in such cases as herein specified, nor contract any debt or debts exceeding the sum of one thousand dollars without the assent and concurrence of a majority of the qualified voters of the said Congregation present at a meet-

Provided.

ing to be held for that purpose: *And provided further,* **Proviso.**
 That the said rules, by-laws and ordinances, and all the acts of the said trustees, framed and enacted and promulgated, shall not be contrary to this charter, nor to the constitution and laws of this State or of the United States, and shall be in conformity to the rules and principles of the church of the United Brethren in the United States of America, and not in any wise inconsistent with the same.

SEC. 12. The rents, profits and interests of the real, personal and mixed estate of the said Congregation and corporation, shall, by the said trustees and their successors from time to time, be applied and used for the maintenance and support of the gospel ministry in said Congregation, for maintaining and repairing their church or churches, parsonage houses, school houses, burial grounds, or other houses and buildings, which now do, or hereafter shall belong to the said Congregation and corporation, and for educational, home and foreign missionary or such other pious and charitable uses as shall be thought proper by the said trustees and their successors or a quorum of them, or as may be specified in this act. **Profits and interest.**

SEC. 13. No enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enumerated, which are necessary to the proper fulfillment of the design and purpose of this act, and not inconsistent with its express provisions and limitations **Other privileges.**

SEC. 14. This act shall be in force from and after its ratification. **When in force.**

Ratified this 31st day of January, A. D. 1874.

CHAPTER XLVIII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to amend the charter of the city of Newbern, and of the Newbern Academy, ratified the sixth day of April, A. D. one thousand eight hundred and seventy-one, be amended as follows: By adding after the words "elect a mayor," in the first section, the words "from one of their number."

Salaries.

SEC. 2. That section second of said act be amended so as to read as follows: That the salaries of the officers shall in no case exceed the sums following, to wit: The mayor three hundred dollars per annum; the treasurer, three hundred dollars per annum; the clerk, one hundred and fifty dollars per annum; the marshal, three hundred dollars per annum; and that of each policeman, three in number, thirty dollars per month.

Taxation.

SEC. 3. Strike out all after the words, "*provided nevertheless*," in section four of said act, and insert in lieu thereof, that no property or subjects of taxation, which are especially exempted, shall be taxed by the city, and that the annual tax upon the poll shall not exceed the sum of one dollar, and that the annual tax on real estate and personal property shall not exceed thirty-three and one-third cents on the hundred dollars' valuation, and that the whole amount of taxes levied and collected in any one year from all sources, including the fire department tax, shall not exceed the sum of five thousand dollars; and that no levy or assessment shall be made on the real estate and personal property which will in the aggregate produce more than the aforesaid sum of five thousand dollars, after deducting from said sum all the amounts received, and to be received from licenses and from taxes derived from every other source.

SEC. 4. That section seven be amended by striking out the word "seven" and inserting in lieu thereof the word "three," and also by striking out the words "one for each ward."

Wards.

SEC. 5. That section eight be amended by striking out all after the words "shall be made best," and inserting in lieu thereof the following, "by a vote of four-fifths of all the councilmen."

Votes.

SEC. 6. That this act shall be in force from and after its ratification.

When in force.

Ratified this 2nd day of February, A. D. 1874.

CHAPTER XLIX.

AN ACT TO REPEAL CHAPTER NINETEEN, OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, AND RE-ENACT AN ACT OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter nineteen, of the private laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, is hereby repealed, and that chapter one hundred and fifteen, of the private laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, is hereby re-enacted so far as the corporate limits of the town of Lexington is concerned.

Repeal.

Chapter 15, laws
1868-'69 re-enacted.

SEC. 2. This act shall be in force from and after its ratification.

When in force.

Ratified this 3rd day of February, A. D. 1874.

CHAPTER L.

AN ACT TO INCORPORATE RICHLAND FARMERS' ASSOCIATION,
ONSLOW COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Henry Cox, C. Stephens, Franklin Thompson, L. W. Harget and Brinson Venters, their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the Richland Farmers' Association, having for its object the better protection of the farming interest, and the promotion of agriculture; and by that name said company may sue and be sued, plead and be impleaded, may make a constitution and by-laws for the government of the society, may alter and amend the same, use a common seal, and do all other acts and things a body corporate may do, not inconsistent with the constitution and laws of this State and of the United States.

Officers.

SEC. 2. Said corporation shall consist of a president, vice-president and secretary, to be chosen by ballot on the first Monday in February of each year, and shall hold their office for twelve months.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 4th day of February, A. D. 1874.

CHAPTER LI.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HILLSBORO',
ORANGE COUNTY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That the charter of the town of Hillsboro', Orange

county, be amended so that the commissioners thereof may be allowed to levy a tax of fifty cents on the one hundred dollars worth of real estate, one dollar and fifty cents on the poll, and not more than twenty-five dollars on each retailer of spirituous or malt liquors.

SEC. 2. This act to go into effect after its ratification.

When in force.

Ratified this 4th day of February, 1874.

CHAPTER LII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINSTON, IN THE COUNTY OF FORSYTHE.

SECTION 1. *The General Assembly of North Carolina do* **Amendment.**
enact, That in addition to the powers conferred by an act entitled "an act to incorporate the town of Winston, in the county of Forsythe," ratified the — day of February, one thousand eight hundred and fifty-nine, and by an act entitled "an act to amend the charter of town of Winston, in Forsythe county," ratified the fourteenth day of March, one thousand eight hundred and seventy, and by chapter one entitled "towns," Battle's Revisal, and all other acts and laws now in force; the commissioners of the town of Winston, shall have power not oftener than once annually to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all other subjects of taxation, taxed by the State for State purposes.

SEC. 2. That the commissioners shall have power to declare **Nuisances**
 all horses, cattle, dogs, hogs and sheep, running at large within the corporate limits of the town a nuisance, and the commissioners may, at their option impose a fine upon the owner or owners of said animals thus running at large or may treat the same as a nuisance and have it abated.

Fines, &c.

SEC. 3. That any person violating any of the ordinances of the town of Winston shall be fined the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same, may be imprisoned, such person or persons, not more than twenty days.

Arrests and confinement.

SEC. 4. That any town constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town may confine the same so arrested in the calaboose, lock up or town prison, until such person or persons can be brought before the mayor or other court having jurisdiction of the matter for trial.

Streets.

SEC. 5. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary ; and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate and use any land or lands, necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and the commissioners cannot agree as to damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a free holder and a citizen of the town, and the two so chosen, in case they cannot agree, shall select an umpire whose duty it shall be to examine the land condemned, and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the land for the purposes specified. And all damages agreed upon by the commissioners or awarded by the arbitrators, shall be paid as other town liabilities by taxation.

Real estate.

SEC. 6. That the commissioners may receive and hold by gift, donation or purchase, any lands necessary for a public square or park within the corporate limits of the town for

the use of the town, and in case of a purchase, may levy and collect a tax to pay for and improve the same.

SEC. 7. That section sixteen of chapter one hundred and eleven Battle's Revisal entitled "Towns," so far as the same relates to the town of Winston, be amended as follows, to-wit: strike out in the sixth line from the top of said section and wherever the same occurs in said section, the words "not exceeding twenty-five dollars," and insert^s in lieu thereof "not less than five hundred dollars." Battle's Revisal amended.

SEC. 8. That section four of an act entitled "an act to amend the charter of the town of Winston," ratified on the first day of March, one thousand eight hundred and seventy, be amended as follows, to-wit: strike out in lines three and four from the top of said section, and wherever^y they may occur in said section, the words "not less than two hundred dollars," and insert the words "not less than five hundred dollars." Amendment

SEC. 9. That section four of an act entitled "an act to incorporate the town of Winston, in the county of Forsythe, ratified the — day of February, one thousand eight hundred and fifty-nine, be, and the same is hereby repealed." Repeal.

SEC. 10. That all laws and parts of laws coming in conflict with this act or any part thereof are hereby repealed. Repeal.

SEC. 11. That this act shall be in force from and after its ratification. When in force.

Ratified this 4th day of February, A. D., 1874.

CHAPTER LIII.

AN ACT TO INCORPORATE "QUEEN OF THE SOUTH" LODGE, NUMBER SIX, OF THE INDEPENDENT ORDER OF GOOD TEMPLARS, OF THE CITY OF RALEIGH, NORTH CAROLINA.

SECTION, 1. *The General Assembly of North Carolina do enact,* That C. N. Hunter, J. H. Harris, G. W. Brodie, J. Corporators.

M. Jones, H. Lockhart, H. C. Jones, A. Turner, their associates, successors and assigns be and they are hereby incorporated into a body politic and corporate, under the name and style of the Queen of the South Lodge, Number Six, in the city of Raleigh, and by that name may have succession and a common seal, and change the same at pleasure, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in the State; shall have and exercise such powers, rights and privileges usually enjoyed by corporate bodies, hold and dispose of personal property for the benefit of said lodge; and also such real estate as may be required for the convenient transaction of its business: *Provided*, That all the real estate owned by said lodge shall not exceed in value twenty thousand dollars.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 5th day of February, A. D. 1874.

CHAPTER LIV.

AN ACT TO INCORPORATE THE TOWN OF GERMANTON, IN STOKES COUNTY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Germanton, Stokes county, be and the same is hereby incorporated by the name and style of the town of Germanton, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with this act.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the old court house, running northwest on the Quaker road, to the top of the hill, opposite a cabin, on the right, and from said court house northeast to Albert Morris's bridge, across his mill race, on the road

leading to Danbury; and from said court house on the road leading to Stokesburg, to W. H. Camby's, including his residence; and from said court house southeast on the road leading to Salem, across Buffalo creek, to the Forsythe line; and from said court house southwest to the corner of James G. Rainey's yard fence, including his residence, embracing all territory, and persons within this boundary.

SEC. 3. Until the commissioners shall be elected, as herein-after provided, the government of said town shall be vested in the following named commissioners, to-wit: W. B. Vaughan, G. G. Hill, J. W. Bitting, J. G. Rainey and H. Camby. Present govern-
ment of town.

SEC. 4. An election shall be held the first Monday in May, one thousand eight hundred and seventy-four, and each successive year for five commissioners of said town, and persons living ~~within~~ the corporate limits of said town, and ~~qualified~~ to vote for the members of the General Assembly, may vote in the election for commissioners of said town.

SEC. 5. For the good government of said town the commissioners and their successors in office shall have all the powers, rights and privileges, and be governed by the rules, regulations and restrictions conferred upon, and to which commissioners of incorporated towns are subject by chapter three, Revised Code. Powers, &c.

SEC. 6. This act shall be in force from and after its ratification. When in force.

Ratified this 5th day of February, A. D. 1874.

CHAPTER LV.

AN ACT TO INCORPORATE THE TOWN OF TAYLORSVILLE, IN THE
COUNTY OF ALEXANDER.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Taylorsville, in the county of Alex- Body politic.

ander, be and the same is hereby incorporated by the name and style of the town of Taylorsville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code not inconsistent with the constitution and laws of this State and of the United States, and also subject to the general law in relation to corporations not inconsistent with the provisions of this act.

SEC. 2. That the corporate limits of said town shall be as follows: One mile each way from the north door of the court house in said town.

Officers.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a constable. It shall be the duty of the sheriff of Alexander county, or any justice of the peace within said county, within thirty days after the ratification of this act, after giving ten days' notice by advertisement at three several places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and State elections are held.

Spirituous liquors,

SEC. 4. That it shall not be lawful for the board of county commissioners of Alexander county to grant license to any person to retail spirituous liquors within the corporate limits of Taylorsville without his having a recommendation in writing from the mayor and commissioners of said town to that effect, and any license granted without such recommendation shall be void.

Voters.

SEC. 5. That all resident citizens within said corporation who have resided thirty days previous to the election shall be entitled to vote at said election.

By-laws.

SEC. 6. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation not inconsistent with the laws of this State and the United States.

Taxation.

SEC. 7. That the commissioners shall have power to levy a tax not to exceed twenty-five cents on the poll and ten cents on the hundred dollars' valuation of property.

SEC. 8. That the commissioners shall have power to tax

all subjects of State taxation within the corporate limits, to an amount not exceeding one-fourth of the State tax, and shall also have power to abate all nuisances, and may impose such fines as may be necessary to abate them.

SEC. 9. That it shall be the duty of said commissioners to Funds. spend the tax so levied and collected in repairing the streets and sidewalks, and keep them in good passable order.

SEC. 10. That the commissioners when organized shall have power to appoint a secretary whose duty it shall be to record the proceedings of the commissioners and also to appoint a treasurer who shall enter into bond approved by the commissioners, and it shall be also their duty to require of the constable elect to enter into bond payable to the State of North Carolina in the sum of three hundred dollars to be approved by the commissioners.

SEC. 11. That the mayor before entering upon the dis Mayor. charge of his duties shall take the oath usually prescribed for said officer, and the constable before entering into office shall go before some justice of the peace and take the oath usually taken by constables.

SEC. 12. That the officers named in section three of this Officers. act shall be regularly elected annually on the first Monday in May, 1874, and every year thereafter and shall serve until their successors are elected and qualified: *Provided*, Proviso. That nothing herein contained shall be construed so as to prevent an election being held as provided for in section three of this act.

SEC. 13. That in the event of a vacancy occurring in the Vacancies. board of commissioners the remaining members shall fill the vacancy.

SEC. 14. That the commissioners of said town shall be Compensation. authorized and empowered to allow reasonable compensation to the officers herein provided for.

SEC. 15. That this act shall be in force from and after its When in force. its ratification.

Ratified this 6th day of February, A. D., 1874.

CHAPTER LVI.

AN ACT TO AMEND THE CHARTER OF THE NEUSE RIVER FERRY COMPANY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall and may be lawful for the Neuse River Ferry Company to purchase one hundred feet of land on each side of its turnpike road, and if the same cannot be purchased from the owner, the same may be taken at a valuation as prescribed in section nine of said act of incorporation.

When in force.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified this 6th day of February, A. D. 1874.

CHAPTER LVII.

AN ACT TO AMEND CHAPTER EIGHTY-FIVE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Corporations.

SECTION 1. *The General Assembly of North Carolina do enact*, That section one of chapter eighty-five of private laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended to read as follows: That Dr. James Calloway, Dr. R. F. Hackett, George H. Brown, A. W. Finley, J. T. Finley, Stephen Johnson, P. C. Hall, H. C. Pannel, R. A. Spainhour, J. T. Ferguson, W. W. Vannoy, S. J. Jennings, J. B. Simonton, A. D. Cowles, William H. H. Cowles and such other persons as they may associate with them, and their successors, be and they are hereby constinted a body

politic, with corporate powers and privileges, under the name and style of "the Wilkesboro' Yadkin River Bridge Company," and in that name to have succession, sue and be sued, plead and be impleaded, contract and be contracted with, and to make such by-laws, rules and regulations as they may deem necessary for their own government and the construction of and keeping in repair a toll bridge across the Yadkin river, within one mile of the corporate limits of the town of Wilkesboro,' in Wilkes county, and at such point as a majority of the stockholders may determine, each share of stock being entitled to one vote, and to open books of subscription to the capital stock of said company, and when three hundred shares of said stock shall be taken at ten dollars per share, and twenty per cent. thereof paid to such officer or person as may be designated by authority of said company, may call a meeting of said stockholders, and a majority of the stock being represented in person, or by proxy, may proceed under such rules, regulations, restrictions and obligations as they may impose, to the election of a board of directors and to the election and qualifying of such officers as they may deem necessary for their government and conduct of the business of said company; and that the amount of tolls to be charged and received shall be determined by the said company; and that if any person or persons shall pass over said bridge and refuse to pay the toll for which he, she or they may be liable, every such person or persons shall be deemed guilty of a misdemeanor, and upon conviction therefor, before any justice of the peace for Wilkes county, shall be fined not less than five dollars, nor more than fifty dollars, or imprisoned not exceeding thirty days, one or both, at the discretion of the justice trying the same, one-half of said fine to go to said company and the other half to the school fund of Wilkes county.

SEC. 2 That sections two, three and four of said act be Repeal.
stricken out.

SEC. 3. That section five of said act be amended by strik- Directors.

ing out the word "commissioners," wherever it occurs, and inserting in lieu thereof the word "directors."

SEC. 4. That section six of said act be amended by striking out all after the word "paid," in line two, and inserting the words "by said company."

SEC. 5. That section seven of said act be stricken out."

SEC. 6. That all laws and clauses of laws, in conflict with this act, are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this 7th day of February, A. D. 1874.

CHAPTER LVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF
LENOIR TO SELL CERTAIN TRACTS OF LAND.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the town of Lenoir, in Caldwell county, are hereby authorized to sell to the highest bidder such parts of streets as were in the original plats of the town laid off as such, and are not now used or intended to be used as streets, and the commissioners of the town are further authorized to make deed for the same.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LIX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN, IN REGARD TO THE TOWN OF SALEM.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That the first section of chapter one hundred and ten of the laws of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, ratified the thirteenth day of December, one thousand eight hundred and fifty-six, entitled an act to incorporate the town of Salem, in the county of Forsythe, be amended as follows: That the said town of Salem, through her corporate authorities, shall have power and is authorized to levy taxes on all property, real, personal and mixed, within the limits of said town, including solvent credits, bonds, stocks, &c.

SEC. 2. That this act shall be in force from its ratification. When in force.
 Ratified this 9th day of February, A. D. 1874.

CHAPTER LX.

AN ACT TO INCORPORATE THE TOWN OF CRESSVILLE IN WASHINGTON COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body politic.
enact, That the town of Cressville, in the county of Washington, be and the same is hereby incorporated by the name and style of Cressville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the constitution and laws of the State, and the United States.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Beginning at a stake on the western side of Scuppernong river, near the road that goes through from Spruill's bridge by St. David's Chapel to the public road that leads from Plymouth to Columbia; thence south, fifty-two and one-half degrees west, eleven hundred and sixty feet; thence north, thirty-seven and one-half degrees west, twenty-nine hundred feet; thence north, fifty-two and one-half degrees east, eleven hundred and sixty feet; thence south, thirty-seven and one-half degrees east, twenty-nine hundred feet to the beginning.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a treasurer and constable, and that the following are hereby appointed until their successors are elected under the laws of the State, viz: William Atkinson, mayor; D. A. Bowen, R. B. Bennett and Whitaker Reeves, commissioners; and Richard Reddick, constable.

When in force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 9th day of February, A. D., 1874.

CHAPTER LXI.

AN ACT TO INCORPORATE THE FRISZELL CITIZENS FIRE COMPANY OF FAYETTEVILLE.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joshua Council, Frank P. Williston, Lewis Smith, Archy Dickerson, David Brown, Wm. Williams and other persons who may be associated with them for the object intended, and their successors duly elected and chosen according to the by-laws and constitution of said company, shall constitute a body politic and corporate by the name and style of the Frizzell Citizens Fire Company, of Fayette-

ville, for the purpose of more united action in the extinguishment of fire in the city of Fayetteville, and by said name and style shall have power to acquire all necessary apparatus and equipments, and such real estate as may be requisite to subserve the legitimate purpose of the company.

SEC. 2. That said company shall by the name and style Laws, &c. aforesaid have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure, and make all by-laws and rules necessary for the proper government of the company and the management of the funds, and in all matters do and perform what is customary and proper for fulfilling the object of association.

SEC. 3. That members in the actual service of the com- Exemptions. pany performing duties when required shall be exempted from paying any poll tax to the town of Fayetteville.

SEC. 4. This act shall be in force from and after its rati- When in force. fication.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXII.

AN ACT TO INCORPORATE THE TRUSTEES OF SMITH GROVE CAMP GROUND, METHODIST EPISCOPAL CHURCH SOUTH, IN THE COUNTY OF DAVIE.

SECTION 1. *The General Assembly of North Carolina do* Corporators. enact, That Jacob Sheeks, George W. Johnston, Isaac W. Ellis, Jonathan Smith, Daniel S. Sheeks and Benjamin F. Lunn, trustees, and their successors, be and they are hereby declared a body corporate in fact and in law by the name and style of the trustees of Smith Grove Camp Ground, and shall have all the powers, rights and privileges usually allowed to corporations of like nature, to hold and enjoy a certain plat or parcel of land containing eight acres now

owned and held by the Methodist Episcopal Church South, with metes and bounds as now established and used as a place of public and Divine worship. The said trustees, or a majority of them, shall have full power to remove all public nuisances which be detrimental to Divine worship at any time, and pass rules and regulations for the good government of said camp ground.

Spirituons liquors.

SEC. 2. Any person selling or disposing of intoxicating liquors within the limits of Smith Grove Camp Ground at any time shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace of said county shall, for each offence, be fined not less than five nor more than fifty dollars, and also be liable to imprisonment not less than ten nor more than thirty days, one or more, at the discretion of the court.

Public worship.

SEC. 3. It shall be unlawful for any person to sell or dispose of any intoxicating liquors within two miles of said Smith Grove Camp Ground on any day or days of public worship at said church or camp ground. Any person convicted for violation of this section shall be deemed guilty of a misdemeanor and fined not less than five dollars or more than fifty dollars, or imprisoned not less than ten days or more than thirty days, at the discretion of the court.

When in force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXIII.

AN ACT TO INCORPORATE THE TOWN OF MANSON IN WARREN COUNTY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Manson, in the county of Warren,

be and the same is hereby incorporated by the name and style of the town of Manson, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal.

SEC. 2. That the corporate limits of said town shall extend Limits. one-half mile in all directions from the warehouse of the Raleigh and Gaston Railroad in said town.

SEC. 3. This act shall be in force from and after its rati- When in force. fication.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXIV.

AN ACT TO INCORPORATE THE TOWN OF LEICESTER, BUNCOMBE COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body politic, *enact,* That the town of Leicester, in the county of Buncombe, be and the same is hereby incorporated by the name and style of the town of Leicester, and shall be entitled to the rights and privileges and subject to the restrictions and liabilities as now provided by law for incorporated towns in this State.

SEC. 2. That the corporate limits of said town shall be as Corporate follows: One-half mile each way from the brick store house of J. M. Stevens in said town.

SEC. 3. That the officers of said town shall consist of a Officers. mayor and five commissioners and a constable, and that the following persons shall be commissioners until their successors are elected under the laws of the State, viz: T. C. Brown, J. W. Robertson, J. B. Clayton, Marcus Hampton and B. H. Lawrence, and J. M. Stevens shall be mayor of said town until his successor shall be elected under the laws of the State.

Officers.

SEC. 4. That the election for mayor and commissioner shall be held on the first Monday in May, one thousand eight hundred and seventy-four, and annually thereafter under the same rules and regulations as prescribed by law for the holding of municipal elections in this State.

By-laws:

SEC. 5. That all laws and clauses of laws, in conflict with this act, are hereby repealed.

When in force.

SEC. 6. This act shall be in force from its ratification.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXV.

AN ACT TO INCORPORATE THE TOWN OF ENGELHARD, IN THE COUNTY OF HYDE.

Body politic

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Engelhard in the county of Hyde, is hereby incorporated by the name of the town of Engelhard, and shall be subject and entitled to, and enjoy all the provisions, privileges and powers contained in the various sections of chapter one hundred and eleven of the Revised Code, together with such laws as have since been passed for the regulation and government of incorporated towns.

Corporate limits,

SEC. 2. That the corporate limits of said town of Engelhard shall be included in the following boundaries: Beginning at an oak on John M. Mann's west line, and running a southeast course to a post in T. T. Gibb's east line; thence with said Gibbs' east line, to the waters of Tar creek; thence across said creek a northeast course to William B. Silby's, north line; thence with said Silby's west line, to H. S. Gibbs' east line; thence with the said Gibbs' east line a southerly course to the junction of the aforesaid Gibbs line to B. R. Roper's, north line; and from thence a southwesterly course to the beginning.

SEC. 3. That J. B. Watson, F. Pecurd, L. S. Widgett, **Commissioners.** Thomas M. Davis and D. A. Mason, are hereby appointed and declared to be commissioners for the said town of Engelhard, and they and their successors are hereby invested with all the rights, privileges, powers and immunities conferred upon and secured to commissioners of incorporated towns by the one hundred and eleventh chapter of the Revised Code or any other law in force for the government of incorporated towns.

SEC. 4. That an election shall be held in each and every **Election.** year at such time as is provided by law for the election of municipal officers by the inhabitants of said town qualified to vote for members of the General Assembly for five commissioners and one marshal, who shall hold their offices until their successors are elected.

SEC. 5. That the duties and powers conferred by law upon **Powers of mayor.** mayors shall be vested in the township magistrate who shall act as mayor for the said town of Engelhard.

SEC. 6. That this act shall take effect from and after its **When in force.** ratification.

Ratified this 9th day of February, A. D., 1874.

CHAPTER LXVI.

AN ACT TO INCORPORATE LILESVILLE, IN ANSON COUNTY.

SECTION 1. *The General Assembly of North Carolina do* **Body corporate.** enact, That the town of Lilesville, in the county of Anson, be, and the same is hereby incorporated by the name and style of the Town of Lilesville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the constitution and laws of this State or of the United States, also

subject to the provisions of the general law in relation to incorporations.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: one half mile through points north, south, east and west from the residence of Wm. J. Cox.

Officers.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a constable. It shall be the duty of the sheriff of the county of Anson, or any justice of the peace within said county, within thirty days after the ratification of this act, after giving ten days' notice by advertising at three or more places in said corporation, to open the polls for the election of mayor, three commissioners and a constable, under the same restrictions that other county and State elections are held.

Spirituous liquors.

SEC. 4. That it shall not be lawful for the board of county commissioners of Anson county to grant license to any person to retail spirituous liquors within the corporate limits of Lilesville, without his having a recommendation in writing from the mayor and commissioners of said town to that effect, and any license granted without such recommendation shall be void.

Voters.

SEC. 5. That all resident citizens within said corporation that have resided thirty days previous to the election shall be entitled to vote at said election.

Commissioners.

SEC. 6. That it shall be the duty of the commissioner elect to meet together and organize, take and subscribe to the oath for public officers.

Powers.

SEC. 7. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation not inconsistent with the laws of this State and of the United States.

Taxation.

SEC. 8. That the commissioners shall have power to levy a tax not to exceed fifty cents on the poll and not to exceed twenty-five cents on one hundred dollars valuation of property.

SEC. 9. That the commissioners shall have power to tax all subjects of State taxation, within the corporate limits, to

an amount not exceeding one-half of the State tax, and shall also have power to abate all nuisances, and may impose such fines as may be necessary to abate them.

SEC. 10. That it shall be the duty of said commissioners Streets. to spend the tax, so levied and collected, in repairing the streets and sidewalks, and for such other purposes as may be for the interest of said corporation, and exempt persons inside the corporation from working on the public roads.

SEC. 11. That the commissioners, when organized, shall Appointment of officers. have power to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer, who shall enter into bond, which must be approved by the commissioners; and it shall also be their duty to require of the constable elect to enter into bond, payable to the State of North Carolina, in the sum of five hundred dollars, to be approved by the commissioners.

SEC. 12. That it shall be the duty of said commissioners Election held in May. to provide for an election on the first Monday in May, (1874) one thousand eight hundred and seventy-four, and annually thereafter, according to the laws of this State, who shall serve until their successors are elected and qualified: *Provided*, That nothing herein contained shall be so construed as to prevent an election being held, as provided for in section three of this act. Proviso.

SEC. 13. That this act shall be in force from and after its When in force. ratification.

Ratified this 9th day of February, A. D. 1874.

CHAPTER LXVII.

AN ACT TO INCORPORATE THE PEOPLE'S BUILDING AND LOAN ASSOCIATION OF MORGANTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Corporators. *enact*, That James W. Wilson, Geo. P. Erwin, J. G. By-

num, S. McD. Tate, Jno. H. Pearson, E. S. Walton, W. A. Collett, N. L. Haylor, H. A. Howard, W. A. Ross and R. A. Cobb, and all other persons who may hereafter be associated with them, and their assigns, are hereby constituted a body politic and corporate in the name and style of "the People's Building and Loan Association of Morganton," for the purpose of accumulating, and with power to accumulate a fund to enable its respective members to purchase houses and lots, erect buildings, improve lands and remove encumbrances from real estate, and for the further purpose of distributing among the members who do not receive aid by advances on their shares for objects aforesaid, their proper dividend of the fund so accumulated in moneys, and as such shall have power to hold and convey real estate, sue and be sued, plead and be impleaded, make, have and use a common seal, and generally to have such powers as may be necessary to carry out the objects of the association.

Stock.

SEC. 2. The number of shares of stock in said corporation shall not be less than two hundred, and shall not exceed one thousand, and the ultimate or par value of each share shall be two hundred dollars; and the said corporation may commence business when one dollar shall have been paid in upon each share of stock subscribed.

Officers.

SEC. 3. The officers of said association shall consist of a president, vice-president, secretary, treasurer and ——— directors, of whom the president shall be one, and an executive committee of three, selected from said board, who shall be chosen at such time, and in such manner, hold their respective offices for such terms, and be governed by such regulations, as the by-laws of said association may prescribe.

By laws:

SEC. 4. It shall be lawful for the corporation to make and put into execution such by-laws, not inconsistent with the constitution and laws of this State or of the United States, as may be necessary and convenient for the regulation and management of their affairs.

Board to demand
subscribed.

SEC. 5. The board of directors shall have power to call in and demand from the stockholders, respectively, the sums of

money subscribed by them, at such time and in such payments, as the by-laws shall prescribe, and for failure to pay such sums, the by-laws may provide for penalty by fine not to exceed the value of the stock.

SEC. 6. When any subscription to the stock of said corporation shall be made, after it shall have commenced business, such subscriber may be required to pay a sufficient sum to make his payment upon his stock equal to the payment of the original members with accrued premiums. Subscriptions.

SEC. 7. Parents may hold shares in said corporation for the use of their minor children, and *femes covert* may hold for their separate use shares in said corporation exempt from the debts or contracts of their husbands. Parents may hold.

SEC. 8. Said corporation unless sooner dissolved by a vote of a majority of the stockholders in number and value, shall continue in being until the fund accumulated, including shares redeemed and all property and other effects, shall amount to such a sum as will enable the association to distribute on each share a sum equal to the par or ultimate value of the unredeemed shares: *Provided*, That upon such distribution, if the said association so elect, it shall have power to recommence business by new subscription of stock, with the privileges, and upon the conditions prescribed in this act. Term.
Proviso.

SEC. 9. It shall be lawful for said corporation to loan money to its members to an amount not exceeding the par or ultimate value of the respective shares subscribed for by such member; and no member shall own at any time more than fifty shares of stock. In case different stockholders shall compete for a loan of money it shall be lawful for said, corporation to receive bids from such stockholders, and they shall award the loan upon the bid deemed most advantageous to the interests of the corporation, such bid to be secured by mortgage, with power of sale upon real estate, to be executed to said company to an amount equal to the par or ultimate value of the shares redeemed. Loans.

When in force.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this 9th day of February, A. D., 1874.

CHAPTER LXVIII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BATTLEBORO.

Amendment to section 2.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two, of chapter ninety-nine, private laws of one thousand eight hundred and seventy-two, being an act to incorporate the town of Battleboro', ratified the eighth day of February, one thousand eight hundred and seventy-two, be amended by striking out after the word "railroad," in the third line of said section, all that follows in said section, and by inserting instead thereof the following words: "Where the county road crosses it one quarter of a mile north of said railroad crossing and running west one quarter of a mile; thence south one half a mile; thence east one half a mile; thence north one half a mile; thence west one quarter of a mile to place of beginning."

Amendment to 4th section.

SEC. 2. That the fourth section of said act to incorporate the town of Battleboro', be amended by striking out in the second and third lines in said section after the words "resided in the" the words "counties of Nash and Edgecombe," and insert in lieu thereof the words "said town of Battleboro," and also by striking out after the word "election" in the fourth line of said section, the words "and who own taxable real estate in said town."

When in force.

SEC. 3. That this act shall be in effect from and after the date of its ratification.

Ratified this 10th day of February, A. D. 1874.

CHAPTER LXIX.

AN ACT TO INCORPORATE THE "ROUGH AND READY" FIRE
COMPANY, NUMBER ONE.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Limbo L. Lewis, Samuel Jackson, James D.
Dudley, William H. Burton, B. Physick, Henry, Lewis,
Samuel Richardson, Iseral Harris, Jr., Jonous Willis, John
Fisher, John Dawson, Virgil A. Crawford, and such other
persons as are now, or may hereafter be associated with them
for the object intended, and their successors duly elected
according to the by-laws of the company, shall be a body
politic and corporate by the name and style of the "Rough
and Ready" Fire Company, number one, of the city of
New Berne.

SEC. 2. That for the purpose of united action in the ex- Operators.
tinguishment of fires in the city of New Berne, said company
shall have power to acquire all necessary apparatus and
equipments and such real estate as may be needed for their
proper care and custody, not to exceed in value five thousand
dollars.

SEC. 3. The said company shall have succession and other Succession.
incidents belonging to corporations under the general law,
and may make all by-laws and rules necessary for the proper
government of said company and the custody and care of its
property.

SEC. 4. Members in the actual service of said company
performing duty when required shall be exempted during
the continuance of their service from jury and militia duty.

SEC. 5. That this act shall be in force from and after its When in force.
ratification.

Ratified this 10th day of February, A. D. 1874.

CHAPTER LXX.

AN ACT TO INCORPORATE CENTRE PRESBYTERIAN CHURCH, IN
THE COUNTY OF IREDELL.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That J. H. Reid, D. E. Templeton, W. M. Knox, T. J. Caldwell, A. M. Cowan and their successors be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the trustees of Centre Presbyterian Church, situated in the county of Iredell, and the said trustees shall have succession and may have and use a common seal and be capable in law to sue and be sued, plead and be impleaded in all the courts of this State, and may take, demand, receive and possess all lands and tenements, moneys, goods and chattels, which may be given to them by will or otherwise, for the use of the said church or any school connected or that may be connected therewith.

Trustees

SEC. 2. That the said trustees shall have power to elect their officers, consisting of chairman, secretary and treasurer, and to establish such rules and regulations for the observance of order and decorum at said church, and for the removal of any nuisance within a half mile thereof while occupied for worship.

Spirituous liquors.

SEC. 3. That it shall not be lawful for any person to sell or give away spirituous liquors with a view to compensation therefor, either directly or indirectly within one-half mile of said church, and any one so offending shall be guilty of a misdemeanor, and on conviction before any justice of the peace, shall be fined not more than twenty-five dollars, or imprisoned more than thirty days, one or both in the discretion of the court.

Question to be submitted, &c.

SEC. 4. That the provisions of section three of this act shall be applicable to the whole vicinity of said church within three miles of the same, after the trustees if they so

elect, shall have submitted the question of prohibition or no prohibition, to the qualified voters thereof, and a majority of those voting shall be in favor of prohibition. This election shall be conducted under the same rules and regulations as are now prescribed by law for the election of members of the General Assembly.

SEC. 5. That in case of death or refusal to act, or removal from the State of any of the persons named as trustees in this act then the remaining trustees shall have power to fill the vacancy: *Provided*, That not less than five nor more than ten persons shall be trustees under this act.

Vacancies.

Proviso.

SEC. 6. That this act shall be in force from and after its ratification.

When in force.

Ratified this 10th day February, A. D., 1874.

CHAPTER LXXI.

AN ACT TO INCORPORATE NEBO CAMP GROUND, ON THE WESTERN NORTH CAROLINA RAILROAD, IN THE COUNTY OF MCDOWELL.

SECTION 1. *The General Assembly of North Carolina do enact*, That Nebo Camp Ground, in the county of McDowell, be and the same is hereby incorporated by the name of Nebo Camp Ground.

Body politic.

SEC. 2. That the corporate limits of said camp ground shall be as follows, viz: Beginning at a stake one mile north of said camp ground and running thence one mile east of said camp ground to a stake; thence one mile south of said camp ground; thence to a stake one mile west of said camp ground; thence to the beginning.

Corporate limits.

SEC. 3. That J. C. Grayson, Thos. Martin, Thos. L. Hemphill, Feagan Cuthbertson, J. W. Hunter shall be the commissioners of said camp ground, one of whose number, to be chosen by themselves, shall be intendant.

Commissioners.

SEC. 4. That until their successors are organized, the Rev. J. C. Grayson, Thos. Martin, Thos. L. Hemphill, Feagan Cuthbertson, J. W. Hunter shall be the commissioners of said camp ground, with the said J. C. Grayson as intendant.

Powers, &c.

SEC. 5. That the said commissioners shall have all the powers of a police force and may make and establish such rules, regulations, by-laws and ordinances for the government of said camp ground and for the maintainance of order and decorum thereon, and the removal of nuisances therefrom as they may deem proper, not inconsistent with the constitution and laws of this State, and may appoint a sufficient police force to enforce the same.

Spirituous liquors.

SEC. 6. That it shall not be lawful for any person to sell or dispose of spirituous liquors on said camp ground or within one mile thereof during the time of religious exercises thereon; and every person so offending shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding twenty-five dollars, or imprisoned for a time not exceeding one month or both, at the discretion of the court.

When in force.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this 10th day of February, A. D. 1874.

CHAPTER LXXII.

AN ACT TO INCORPORATE RAMSEY TOWN BAPTIST CHURCH, IN THE COUNTY OF YANCEY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That Ramsey town Baptist church, in the county of Yancey, is hereby incorporated into a body politic and corporate by the name and style of the "Ramsey town Baptist church."

SEC. 2. That the corporate limits of said church shall extend one mile each way from said church.

SEC. 3. That David W. Atkins, Nathan Bryant, Wm. A. Howell, William Atkins and Mc. Hedrick, be appointed commissioners of said church, and shall hold said office until their successors shall be elected and qualified.

SEC. 4. That the said corporation shall have power to make such by-laws as may be necessary for the government of the same, not inconsistent with the laws of the State, to elect all necessary officers and to supply such vacancies as may occur in said board of corporators.

SEC. 5. That the officers herein named, and their successors, shall have all the powers and immunities, and be subject to all the restrictions and liabilities, as are now prescribed by law for incorporated places, except the power of levying and collecting taxes.

SEC. 6. That it shall not be lawful for any person to sell spirituous liquors within one mile of said church, and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction, shall be fined not more than fifty dollars or imprisoned not more than twenty days.

SEC. 7. This act shall be in force from and after its ratification.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXIII.

AN ACT TO INCORPORATE THE VILLAGE OF KING'S MOUNTAIN, IN THE COUNTY OF CLEVELAND.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of King's Mountain, in the county of Cleveland, is hereby incorporated into a body politic and

corporate by the name and style of the "town of King's Mountain."

SEC. 2. That the corporate limits of said town shall extend one half mile in each and every direction from the depot of the Richmond and Atlanta Air Line Railroad in said town.

Officers.

SEC. 3. The officers of said incorporation shall consist of a mayor, four commissioners, and a constable, and the commissioners shall have the power to appoint a secretary and treasurer.

By-laws.

SEC. 4. That the commissioners shall have power to pass all by-laws, rules and regulations for the good government of said town, not incensistent with the laws of the State or of the United States.

Spirituous liquors.■

SEC. 5. That the commissioners of said town shall have the power upon giving thirty days notice at any time to submit to the qualified voters of said town the question of "license" or "no license," and if a majority of said votes shall be cast for "no license" then until such vote shall be reversed, it shall not be lawful for any person to retail spirituous liquors within said incorporation, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each and every offence in a sum not to exceed twenty dollars, or be imprisoned a term not to exceed thirty days at the discretion of the court.

Who to act till officers are qualified.

SEC. 6. That until their successors are elected and qualified under the laws of the State, W. A. Manney, F. Delling, J. W. Tracy, D. C. Bean and W. F. Falls, shall act as commissioners, and shall have power to appoint one of their number to act as mayor, and some persons to act as constable, secretary and treasurer, all of whom shall take the oath of office before some justice of the peace for said county. That said corporation shall be subject to and governed by the provisions contained in chapter one hundred and eleven Revised Code, and all laws of a general nature passed subsequently for the government of incorporated towns.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXIV.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF RANDOLPH TO ORGANIZE A TEACHERS' INSTITUTE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of education of Randolph county may appoint a person as superintendent to conduct a Teachers' Institute for a term of at least ten days at some suitable place in the county aforesaid. Superintendent.

SEC. 2. That the superintendent of said institute shall instruct and thoroughly examine, free of charge, all regular members of the institute and others in all branches usually taught in the public schools, and also in the theory and practice of teaching and school government. Duty of superintendent.

SEC. 3. That the superintendent of said institute shall receive fifty dollars out of the county school fund, to be paid by the county treasurer on the order of the chairman, certified by the secretary of the county board of education: *Provided*, The said institute shall not have a less average than twenty teachers during said term. Salary.

SEC. 4. Such powers and authority and duties as are conferred in the foregoing sections upon the board of education of Randolph county are hereby conferred upon the board of education of Guilford county, and the other provisions of the act shall also apply to said last mentioned county. Powers applied to Guilford county.

SEC. 5. This act shall be in force from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXV.

AN ACT EMPOWERING THE BOARD OF EDUCATION FOR DAVIDSON COUNTY TO ESTABLISH A TEACHERS' INSTITUTE OR NORMAL SCHOOL.

Examiners.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of education for Davidson county shall appoint the board of examiners of said county to open and establish on the second Monday in August in each and every year at the court house, in the town of Lexington, a teachers' institute or normal school for the term of twenty-five school days, for the purpose of instructing the public school teachers, and all those who expect to engage, for the next ensuing

Proviso.

year, in teaching, free of all charge or tuition: *Provided*, That teachers representing different colors shall be instructed in different departments, and at the end of said term after a careful and thorough examination it shall be the duty of said board of examiners to give a certificate by grade as is now provided by law to all those who have attended said school and are possessed of a good moral character and mentally qualified to teach in any of the public schools of said county for the next ensuing year from the end of the term aforesaid: *Provided, further*, The board of examiners

Proviso.

in conjunction with the board of education as aforesaid shall prescribe all rules and regulations to govern the said school not repugnant to the now existing school law; and it shall be the duty of the examiners to invite suitable and efficient persons to address the said school free of charge at least twice a week, during the same upon the subject of education and other mental and moral training; and at the close of the term it shall be the duty of the chairman of the board of examiners to read out publicly the certificates granted to successful applicants and their grades.

Salary.

SEC. 2. That the said board of examiners shall receive for their services the sum of one hundred dollars and no more

to be paid out of the general school fund of the county by the county treasurer on the warrant of the chairman of the board of education of said county and countersigned by the secretary of said board.

SEC. 3. That this act shall be in force from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXVI.

AN ACT TO INCORPORATE THE TOWN OF SANFORD, IN THE COUNTY OF MOORE.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Sanford, in the county of Moore, be and the same is hereby incorporated by the name and style of Sanford, and shall be subject to all the provisions of law now existing in reference to incorporated towns. Body politic.

SEC 2. That the corporate limits of said town shall be as follows: Beginning on the east bank of Dry creek, J. D. and W. McIver's corner in Steel and Wicker's line, running thence north thirty-five west to Gaston Wicker's corner; thence with his line north sixteen, east one thousand seven hundred and forty-nine feet to Witherspoon's corner; thence north seventy-seven and a half east to his other corner, just west of the Raleigh and Augusta Air Line Railroad; thence south fifteen, east with his line, to Mathews' corner; then north seventy-six, east seven hundred and fifty-nine feet; thence south, fourteen and a half east one thousand four hundred and eighty-three feet; thence north seventy-seven, east to Alex. McIver's corner; thence with his line and J. D. and W. McIver's line to Elisha Wicker's corner, near the east side of Little Buffalo creek; thence with said Corporate limits,

Wicker's line to Dry creek; thence down the various courses to the beginning.

Officers.

SEC. 3. That the officers of said corporation shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-four: Mayor, W. T. Tucker; Commissioners: George J. Powell, J. M. Stephens, Perry Godwin, G. C. Newby and Daniel Clark; Marshal: H. A. Bland.

Elections.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and seventy-four, and each succeeding year thereafter, under the same restrictions that State and county elections are held, and all citizens within said corporation who have resided twelve months in the State and thirty days in the corporate limits previous to the day of election shall be entitled to vote at said election.

Duty of officers.

SEC. 5. It shall be the duty of persons elected under the provisions of this act to go before some justice of the peace for said county and take the oath prescribed by law within ten days after their election, and shall appoint a treasurer and secretary if they deem it necessary.

By-laws.

SEC. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and the United States, and levy and collect a tax on all subjects of State taxation, not to exceed one-half of the State tax, and to impose fines for violation of town ordinances and collect the same.

Spirituos liquors.

SEC. 7. That it shall be unlawful for any person or persons to sell any spirituos liquors within the corporate limits of said town, or within two miles of the same, and if any persons shall violate this provision of this act they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each and every offence: *Provided*, The provisions of this section shall not apply to the corpo-

rate limits of the town of Jonesboro'; and *provided further*, it shall not take effect until the first day of April, one thousand eight hundred and seventy-four. Proviso.

SEC. 8. This act shall be in force from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXVII.

AN ACT TO INCORPORATE THE TOWN OF GOLD HILL, IN THE
COUNTY OF ROWAN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Gold Hill, in the county of Rowan, be, and the same is hereby incorporated by the name and style of "The Town of Gold Hill," subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code concerning towns, and to the provisions of the general law in relation to incorporations. Body politic.

SEC. 2. That the corporate limits of said town shall be bounded as follows: Beginning at the thirteen (13) mile post on the public road leading from Salisbury to Albemarle; thence in a southwestern direction to Little Dutch Buffalo Creek; thence down said creek to the county lines of Rowan and Cabarrus counties; thence with said county lines to the branch running by Charley Glover's; thence up said branch to the said Glover's; thence east to the road leading from Salisbury to Albemarle; thence up said road to the beginning, containing about eight hundred (800) acres of land. Corporate limits.

SEC. 3. The officers of said incorporation shall consist of a mayor and five (5) commissioners and constable. It shall be the duty of the sheriff of Rowan county or any justice of the peace within said bounds within twelve months after the ratification of this act, after giving ten days' notice by Officers and elections.

public advertisement at two or more public places within the corporate limits of said town, to open the polls for the election of mayor, five commissioners and a constable, under the same restrictions that other county and State elections are held.

Spirituous liquors. SEC. 4. It shall not be lawful for the board of county commissioners of Rowan county to grant license to any person to retail spirituous liquors within the corporate limits of the town of Gold Hill without his having a recommendation in writing from the mayor and commissioners of said town that he is a proper person to have said license, and any license granted without such recommendation shall be void.

Oath. SEC. 5. It shall be the duty of the commissioners elect to meet and organize, take and subscribe the following oath: "I, A. B., do swear (or affirm) that I will faithfully act as commissioner to the best of my knowledge and ability for the ensuing year, so help me God."

Voters. SEC. 6. That all the qualified voters residing within said corporate limits and who have been resident therein for three (3) months, shall be entitled to vote at said election.

By-laws. SEC. 7. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of the State or of the United States.

Taxation. SEC. 8. That said commissioners shall have power to levy a tax not to exceed fifty cents on the poll and twenty five (25) cents on the one hundred dollars valuation of property.

SEC. 9. The commissioners shall have power to tax all subjects of State taxation within the corporation and shall have power to tax dogs and abate all nuisances, and impose such fines as may be necessary to abate them.

Tax how applied. SEC. 10. It shall be the duty of said commissioners to expend the tax so levied and collected in repairing the streets and side-walks and keeping them in good passable order, and may exempt persons residing within the corporate limits from working on the public roads.

SEC.-11. The commissioners when organized shall have Appoint officers. power to elect a secretary, whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer who shall enter into a bond in such a sum as the said commissioners may think proper to require, and it shall be the duty of the said commissioners to require of the constable elect to enter into a bond payable to the State of North Carolina in the sum of five hundred dollars, approved by the commissioners.

SEC. 12. That all laws and parts of laws heretofore passed Repeal. in reference to incorporating the town of Gold Hill be, and the same are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH, RATIFIED TWENTY-THIRD FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

SECTION 1. *The General Assembly of North Carolina do enact,* That section three, of chapter twenty-four, of the private laws of the session of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, of the General Assembly, entitled "an act to amend the charter of the city of Raleigh," be amended as follows: In line three strike out the words "Moore Square" and insert as follows: "at any point in said ward that may be designated by the board of commissioners," and in line four strike out "Nash Square" and insert "at any point in said ward designated by said board of commissioners." Commissioners to appoint places to hold elections.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXIX.

AN ACT TO INCORPORATE THE PYTHAGORAS LODGE, NUMBER SIX, ANCIENT YORK MASONS, OF THE TOWN OF SMITHVILLE.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the master, wardens and members of Pythagoras Lodge, number six, of Free and Accepted Ancient York Masons, in the town of Smithville, Brunswick county, be and they are hereby constituted a body politic and corporate by the name and style of Pythagoras Lodge, number six, of Free and Accepted Ancient York Masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to a corporate body of a like nature.

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF STOKES COUNTY TO HAVE THE TOWN LOTS OF DANBURY RE-SURVEYED.

Preamble.

WHEREAS, The original survey and plat of the town of Danbury was never properly recorded, and disputes have and may arise relative to boundaries, &c ; therefore,

SECTION 1. *The General Assembly of North Carolina do enact*, That the county commissioners of Stokes county be and they are hereby authorized and empowered to have the town lots in the town of Danbury re-surveyed, and a plat made and recorded of well defined boundaries, at the expense of the county. Commissioners empowered to have survey made.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 11th day of February, A. D. 1874.

CHAPTER LXXXI.

AN ACT TO INCORPORATE THE TOWN OF SARATOGA, IN THE COUNTY OF WILSON.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Saratoga, in the county of Wilson, be and the same is hereby incorporated by the name and style of the town of Saratoga, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with this act. Body politic.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the point where the Tarboro' and Stantonburgh road crosses the Wilson and Greenville Railroad, and running thence with each branch of said road one quarter of a mile from the beginning, making the limits of said town one-half mile square. Corporate limits.

SEC. 3. Until officers shall be elected, as hereinafter provided, the government of said town shall be vested in the following named commissioners, (to-wit:) Mayor: Bennett M. Owens; Commissioners: John Harrell, Levi Mercer, Newitt D. Owens, Sr., Cofield Strickland and Thomas J. Moore. Commissioners.

Elections.

SEC. 4. An election shall be held the first Monday in May, one thousand eight hundred and seventy-four, and each successive year for mayor, and five commissioners, and persons living within the corporate limits of said town and qualified to vote for members of the General Assembly shall vote in the election for the officers of said town.

Powers, &c.

SEC. 5. For the good government of said town the said officers and their successors in office shall have all the powers, rights and privileges and be governed by the rules, regulations and restrictions conferred upon, and to which mayors and commissioners of incorporated towns are subject by chapter one hundred and eleven, Revised Code.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXII.

AN ACT TO INCORPORATE THE TOWN OF WINTON, IN THE COUNTY OF HERTFORD.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Winton, in the county of Hertford, be and the same is hereby incorporated by the name and style of the town of Winton, and shall be subject to all the provisions contained in one hundred and eleventh chapter of the Revised Code, or so much of said chapter as does not come in conflict with the constitution of this State or of the United States.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Commencing from the Chowan river on the north, at the foot of Main street, running southwardly on a line with Main street extending fourteen hundred yards, and extending on the east from the centre of Main street four

hundred yards, and extending on the west from the centre of Main street three hundred yards.

SEC. 3. The officers of said incorporation shall consist of Officers. a mayor, three commissioners and constable. It shall be the duty of the sheriff of the county of Hertford, or any justice of the peace within said bounds, within thirty days after the ratification of this act, after giving ten days' notice by advertising at the court house door and two other places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and State elections are held.

SEC. 4. That all resident citizens within said corporation Elections. that have resided therein thirty days previous to the election shall be entitled to vote at said election.

SEC. 5. It shall be the duty of the commissioners elect to Organization. meet together and organize, take and subscribe the following oath: "I, A B, do swear that I will faithfully act as commissioner, to the best of my knowledge and ability, for the ensuing year: so help me God."

SEC. 6. That the commissioners shall have power to levy Taxation. a tax not to exceed seventy-five cents on the poll, and not to exceed twenty-five cents on one hundred dollars valuation of property.

SEC. 7. The commissioners shall also have power to abate Nuisances. all nuisances and may impose such fines as may be necessary to abate them.

SEC. 8. It shall be the duty of said commissioners to Streets, &c. spend the tax so levied and collected in repairing the streets and side walks and keeping them in good order, and may further exempt persons inside of the corporation from working on the public roads.

SEC. 9. The commissioners when organized shall have Powers. power to appoint a secretary whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer who shall enter into bond, approved by the commissioners, and it shall also be their duty to require of the constable elect to enter into bond, payable to the State of

North Carolina, in the sum of five hundred dollars, approved by the commissioners.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXIII.

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF ROCKINGHAM, IN THE COUNTY OF RICHMOND.

Corporate limits.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Rockingham, in the county of Richmond, shall be as follows: beginning at a point on Washington street, or what is known as Fayetteville road, east or nearly east of the court house, and three fourths of a mile from the court house in said town, and running south to Falling creek; thence down the north bank of Falling creek, and the pond of the Great Falls Cotton Mills to Hitchcock creek; thence up the south bank of Hitchcock creek to a point directly north of the beginning point; thence south to the beginning.

Powers of officers.

SEC. 2. For the good government of said town, the mayor and his successors in office shall within said corporate limits have all the rights, powers and authority of a justice of the peace, to hear, try and dispose of such civil and criminal matters as are now within the jurisdiction of a justice of the peace, and all his official acts as such shall have like force and effect, and the commissioners and their successors in office shall have all the powers, rights and privileges, and be governed by the rules, regulations and restrictions to which commissioners of incorporations are subject.

Repeal.

SEC. 3. That sections two and five of an act entitled "an act to incorporate the town of Rockingham, in the county of

Richmond," ratified the twenty-eighth day of February, one thousand eight hundred and seventy-three, are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. When in force.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXIV.

AN ACT TO INCORPORATE SANDY CROSS COLORED FARMERS'
MUTUAL AID SOCIETY, OF GATES COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Jordan Stallings, Mingo Reddick, Miles Eason, Albert Eason, William Wright, Benjamin Wright, Alfred Kee, James Boyce, David Hinton, Benjamin Costin, Rias Jordan, and their associates and successors are hereby incorporated and made a body politic and corporate by the name and style of Sandy Cross Colored Farmers' Mutual Aid Society, of Gates county, and as such and by said name may sue and be sued, plead and be impleaded, shall have succession and a common seal and may acquire, hold, possess and transfer real and personal property for the purposes of the company and may make and adopt all such rules and regulations and by-laws for the government of said company as may be necessary.

SEC. 2. The said Sandy Cross Colored Farmers' Mutual Goods wares, &c.
Aid Society shall be and is hereby empowered to mutually aid the members of such society and their families by purchasing such goods, wares and merchandise for the common good, as they deem meet and proper and vending the same in such manner and on such terms as they may regulate and prescribe. The said society may also aid the members of said society, their families and dependents, by assisting in

the burial of the dead of such members, their families and dependents and regulating the same as they deem proper, not inconsistent with the general laws of the land.

Election of directors.

SEC. 3. That there shall be annually elected five directors to be called the board of directors of the "Sandy Cross Colored Farmers' Mutual Aid Society," who shall hold their positions for one year and until their successors are elected and qualified.

First election.

SEC. 4. The first election for directors may be held at such time and place as the incorporators herein named may appoint.

Board of electors.

SEC. 5. It shall be the duty of the board of electors to appoint by a majority vote of their number presidents who shall be president of the company. They shall also appoint a treasurer and such other officers and agents of the company as they may deem necessary. They shall also appoint the time of holding the annual meetings of the stockholders and may call special meetings of the stockholders whenever they think necessary for the interest of the company.

When in force.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT FOR THE BETTER GOVERNMENT OF THE TOWN OF WADESBOROUGH, IN ANSON COUNTY, BEING CHAPTER SEVENTY-FIVE, OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.

Taxes.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act for the better government of the town of Wadesborough, in Anson county, being chapter seventy-five of the acts of one thousand eight hundred and twenty-five, be amended by adding to section seven of

said act, the corporate authorities of the town of Wadesborough may and are hereby empowered to lay and collect taxes on all property, real and personal, within the corporate limits of said town which are now or may hereafter be liable to State taxation, including all sorts of personal property, solvent credits, bonds, stocks, subject only to such exemption as are now or may hereafter be allowed by law. And the said taxes when collected, shall be applied to repairs on the streets and roads within said town and the good of the corporation.

SEC. 2. The corporate authorities of the town of Wadesborough shall also have power to levy special or license taxes on all such subjects as are now taxed by the State, which are carried on within the corporate limits, and the power of taxation, herein granted, shall be in addition to those already allowed by law. Subjects of taxation.

SEC. 3. That the corporate authorities of the town may and are hereby empowered and allowed to cause to be collected any arrears of taxes due the town for the years one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, and this authority shall continue until January first, one thousand eight hundred and seventy-five, and the collections shall be enforced in pursuance of the general law of the land now in force, or which may hereafter be enacted, and shall be made by the proper collecting officer of said town. Arrears.

SEC. 4. That the boundaries of the town of Wadesborough, in Anson county, shall be and remain as now provided by law, that is to say included within lines drawn from points one-half of a mile distant from the old court house (not the new one) on the north, south, east and west directions from the same. Boundaries.

SEC. 5. That the powers herein granted shall be in addition to those already allowed by law, and the said town of Wadesborough shall have all the privileges and rights Additional powers.

allowed to the most favored town in the State. All laws or parts of laws to conflict with this act are hereby repealed.

Power to sue, &c.

SEC. 6. The corporate authorities of the town of Wadesborough, as a body corporate, shall have power in their corporate name to sue and be sued, plead and be impleaded, contract and be contracted with, and all other powers which are now conferred on any incorporated town in this State; and all suits, actions, judgments, heretofore brought or rendered by, or in favor of or against said town, in the corporate capacity, are hereby made regular, any errors in form or name to the contrary notwithstanding.

Construction.

SEC. 7. The provisions of this act and the act of which it is amendatory, shall be liberally construed in favor of the corporate authorities of said town.

When in force.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXVI.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WILSON.

Boundaries.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter two hundred and forty-seven, ratified on the twenty-ninth day of January, one thousand eight hundred and forty-nine, incorporating the town of Wilson, be amended by adding an additional section. That the corporate limits of said town shall be extended as follows: Beginning at the intersection of South street with the Wilmington and Weldon Railroad, and running down the line of said railroad two hundred and twenty-five yards, then running parallel with said South street to Pine street when extended.

Proviso.

SEC. 2. This act shall be in force from and after its ratifi- When in force.
cation.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXVII.

AN ACT TO INCORPORATE THE RALEIGH WARE HOUSE AND TRUST
COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Daniel G. Fowle, Leonard H. Adams, James
G. McPheeters, William H. Crow and Alonzo T. Mial, and
all persons who may hereafter be associated with them, and
their successors, are hereby created and declared a body
politic and corporate, under the name and style of " Raleigh
Ware House and Trust Company."

SEC. 2. The capital stock of said company shall be fifty Capital
thousand dollars, which may be increased by said company
to a sum not exceeding five hundred thousand dollars. So
soon as the capital stock shall have been subscribed, and ten
per centum thereof paid in cash it shall be lawful for said
company to organize and commence business. The said
capital stock shall be divided into shares of fifty dollars
each, shall be deemed personal property, shall be transfera-
ble as may be prescribed by the by-laws of the company,
and each share shall be entitled to one vote in all meetings
of the stockholders.

SEC. 3. The said company shall have all the general pow- General powers
and restrictions.
ers and be subject to all the general restrictions conferred
or imposed on corporations generally by the laws of North
Carolina, save so far as the same shall conflict with the pro-
visions of this act.

SEC. 4. The said company shall have power and authority May construct
buildings, &c.
to carry on a general ware house, storage and commercial

business, and may lease, purchase, hold, convey and assign all such real and personal estate as they may deem necessary and convenient for their business, and may construct ware houses and other edifices and employ such other appliances as they may deem proper for the purposes of their business. They may receive on storage or deposit all kinds of produce, merchandize and personal property, including currency, gold and silver coin, for safe keeping or shipment; may make advances in money on merchandize and produce, and may carry on and transact all kinds of business usually transacted by ware house and trust companies, also may advance money and supplies to planters and farmers on growing crops, and take legal liens for all such advances, and may collect and receive interest and commission, compensation for storage and all labor and expenses incident thereto, including the expenses of receipt and delivery, insurance and custody on all property received on storage or deposit, at such rates and on such terms as may be agreed on between the company and the owners of the property, or their agents; and all advances made by the company on property received on storage or deposit, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and paid before the company can be called on for the delivery of the property.

Storage, &c.

Certificates of Storage.

SEC. 5. For property received by the company on storage or deposit, the receipt or certificate of the company shall be given, binding the company to deliver the same to the party, in whose favor the receipt or certificate is given, or his assignee, on payment of all dues to the company for which the property is liable, which receipt or certificate shall be negotiable and by endorsement or assignment and delivery thereof, shall transfer the title to the property therein mentioned and described, to the holder of the receipt or certificate. The holder of the receipt or certificate shall be entitled to receive the property from the company on delivery of the receipt or certificate, properly endorsed, and paying the company whatever may be due on the property for

advances, charges, storage, with interest and cost thereon if any have accrued. All advances made by the company shall be endorsed or stated on the receipt or certificate given for the property on storage or deposit. In the event of the loss or destruction of the receipt or certificate, given by the company for property on storage or deposit, the *bona fide* holder of such receipt or certificate at the time of its loss or destruction, his representatives or assigns, shall have the same right to receive the property from the company that he would have on the delivery of the receipt or certificate, on proof of the loss or destruction of the receipt or certificate, and on delivery to the company of a proper bond of indemnity with security satisfactory to the company.

SEC. 6. When from any cause the property on storage or deposit with the company shall so decrease in value as, in the opinion of the company, to render the preferred liens on said property a doubtful security for advances, storage and charges due the company; or when any property has been left on storage or deposit, and the charges and expenses attending it has not been paid, at such time or times required by the regulations established by the company for the conduct of its business, it shall be lawful for the company to give notice to the party entitled to said property, personally or by written notice to him or his agent at their usual residence or place of business, requiring the party within ten days after said notice to pay to the company all such advances, with charges and interest which may have accrued; and if within thirty days after such notice, the same be not paid, it shall be lawful for said company to sell such property at public sale as to the company may seem best for the interests of all concerned, and after reserving the amount due the company and paying the cost of sale, pay over the balance of the proceeds of sale to the party entitled thereto, on his surrender of the receipt or certificate, given for the property: *Provided, however,* That nothing in this section contained shall be construed to prevent the said company from making at such earlier time, and in such manner as

Storage and advances.

Proviso.

may be provided in any contract or agreement made by any person or persons with said company.

Borrow money.

SEC. 7. It shall be lawful for the company, from time to time, to borrow such sums of money as may be necessary to carry out the provisions of this act, to issue or dispose of their promissory notes or bonds for the amounts so borrowed, and they may mortgage, pledge or hypothecate, by deed of trust, any part of their corporate property and franchise, to secure the payment of such notes or bonds.

Laws, rules, &c.

SEC. 8. The stockholders in general meeting shall make and establish such by-laws, rules and regulations not inconsistent with the laws of the State of North Carolina, or of the United States, as they may deem proper for the management and control of their affairs and business, and government of their officers, agents, clerks and other employees; which shall be binding on themselves and all persons in the employ of the company.

Annual meeting.

SEC. 9. The first annual meeting of the company shall be held at such place as the board of directors may determine, on the first Thursday in February, in the year one thousand eight hundred and seventy four, or as soon thereafter as practicable, and at the first and every subsequent annual meeting the stockholders shall elect five of their number to constitute a board of directors to remain in office until the next annual meeting, or until their successors are elected.

Directors to control business.

SEC. 10. Subject to the by-laws, rules and regulations of the stockholders, the board of directors shall have the management and control of the business of the company. From their own body they shall elect a president, who shall preside at all meetings of the board, when present, and shall perform such other duties as may be prescribed by the board of directors, who shall fix the amount of compensation the president is to receive; also the compensation of all other officers or employees whom they may appoint to carry on the business of the company. Any three members of the board shall constitute a quorum for the transaction of business. The five persons first named in the first section

Directors

of this act shall constitute the board of directors until their successors are elected; they shall provide for receiving subscriptions to the capital stock, which they may make payable at such times and in such instalments as they may deem satisfactory. As soon as the capital stock shall have been subscribed they shall call a meeting of the stockholders, also to fill vacancies occasioned by death or otherwise of their own number.

SEC. 11. The offices and warehouses of the company may be located at such place or places, in or near the city of Raleigh, as the board of directors may determine.

Offices and warehouses.

SEC. 12. It shall be lawful for cities, railroad companies, banks and other corporations to subscribe to the capital stock of this company.

Subscriptions to capital stock.

SEC. 13. That if the president, treasurer or any other officer or agent of this company shall embezzle any money with which such president, or treasurer, or officer, or other agent, shall be charged by virtue of his said office or agency, or shall in any way dispose of for his own use or benefit, or for the use or benefit of himself, or any other person or corporation, any of the property or funds belonging to this corporation, or shall issue any certificate or receipt for any property of any kind, when the same shall not have been received and actually deposited in the custody of said company, or in any way defraud said company by false entries in the books of the company or otherwise, such president, treasurer or other officer or agent, so offending, shall, for any such offense, be deemed guilty of a felony, and on conviction, shall be imprisoned at hard labor in the penitentiary not less than three years nor more than ten years, and fined not less than one thousand and not more than — thousand dollars.

Embezzlement and punishment.

SEC. 14. That if any person or persons shall join, combine, collude, or conspire with the president, treasurer or other officer or agent of the company, or any one or more of them, to commit any offence specified in the foregoing section of this act, any person so offending shall also be

Persons conspiring to commit offences.

Punishment.

deemed guilty of felony, and upon conviction shall be imprisoned at hard labor in the penitentiary for not less than three years and not more than ten years, and be fined not less than one thousand or more than ten thousand dollars.

When in force.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXVIII.

AN ACT TO AMEND SECTION THREE OF AN ACT CONCERNING CLOVER HILL CAMP GROUND, &C., AND SECTION THREE OF AN ACT CONCERNING SHARON CAMP GROUND, &C.

SECTION 1. *The General Assembly of North Carolina do enact,* That section three of an "act concerning Clover Hill Camp Ground, in Cleaveland county, and to incorporate a board of trustees thereof," ratified December eleventh, one thousand eight hundred and seventy-three, and section three of an act concerning Sharon Camp Ground, in Cleaveland county, and to incorporate a board of trustees thereof, ratified December eleventh, one thousand eight hundred and seventy-three, be so amended that the punishment to be inflicted upon conviction under the afore recited acts shall not exceed fifty dollars fine or imprisonment for one month.

Reducing punishment.

See
P. 273x4

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER LXXXIX.

AN ACT IN REFERENCE TO INSPECTIONS IN THE CITY OF WILMINGTON.

SECTION 1. *The General Assembly of North Carolina do* Repeal.
enact, That all such provisions contained in chapter sixty-one, entitled Inspections, of Battle's Revisal of the Public Statutes of North Carolina, which are in conflict with or repugnant to an act entitled an act concerning inspections in the city of Wilmington, North Carolina, ratified the twenty-first day of December, one thousand eight hundred and seventy, being chapter six of the private laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after When in force.
 its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER XC.

AN ACT TO INCORPORATE THE UNION CAMP GROUND, IN CROOKED CREEK, IN THE COUNTY OF M'DOWELL.

SECTION 1. *The General Assembly of North Carolina do* Body politic.
enact, That the Union Camp Ground, on Crooked creek, in the county of McDowell, is hereby incorporated into a body politic and corporate, by the name and style of the Commissioners of Union Camp Ground.

SEC. 2. That the corporate limits of said camp ground Corporate limits.
 shall be as follows: beginning at a stake one mile north of said camp ground and running thence to a stake one mile

east; thence to a stake one mile south; thence to a stake one mile west; thence to the beginning.

Commissioners.

SEC. 3. That Thomas Y. Lytle, Josiah Burgin, C. McKey, Ben. Bird, C. S. Burgin, M. T. Lytle, shall be the commissioners of said camp ground, one of whose number, to be chosen by themselves, shall be intendant.

Powers by law, &c.

SEC. 5. That the said commissioners shall have all the powers of a police force and may make and establish such rules, regulations, by-laws and ordinances for the government of said camp ground and for the maintenance of order and decorum thereon, and the removal of nuisance therefrom as they may deem proper, not inconsistent with the constitution and laws of this State, and may appoint a sufficient police force to enforce the same.

Spirituons liquors.

SEC. 6. That it shall not be lawful for any person to sell or dispose of spirituons liquors on said camp ground or within one mile thereof during the time of religious exercise thereon, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding twenty-five dollars or imprisoned not exceeding one month, or both, at the discretion of the court.

When in force.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this 12th day of February, A. D. 1874.

CHAPTER XCI.

AN ACT TO INCORPORATE THE TOWN OF TRENTON, IN JONES COUNTY.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Trenton, in Jones county, is hereby incorporated into a body politic and corporate, by the name and style of the town of Trenton.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake the end of Lower street, running thence north twenty degrees, east sixteen poles to Trent river; thence the various courses of said river eighty-five and three-quarters poles to a gully opposite Cherry street; thence with said gully thirty-five and one-third poles opposite Upper street; thence a continuance of said line thirty-three and one-half poles to a stake; thence south twenty degrees, east fifty-nine poles, opposite Third street; thence south to Third street; thence with said Third street to McDaniel's mill-pond; thence the various courses of said mill-pond to the beginning of Back street; thence with said street to Lower street; thence with said street to the beginning: *Provided*, That no new streets to be opened beyond the original corporations. Corporate limits

SEC. 3. There shall be annually elected by the qualified voters of the town of Trenton, in Jones county, at the time and in the manner as now provided by law for the election of municipal officers generally, a board of three commissioners, who shall hold their offices for one year. That J. L. Kinsey, W. W. Frank and J. H. C. Bryan are hereby appointed commissioners of said town of Trenton until the regular election provided in this act. Elections.

SEC. 4. The said board of commissioners shall have power to pass any by-laws or regulations not inconsistent with the laws of the State for the government of said town of Trenton, for the preservation and care of the general health and quiet, and shall have general police powers, and in order to an exercise thereof may appoint such police officers, not exceeding three in number, as, in their discretion, may be necessary. Commissioners.

SEC. 5. The said board of commissioners shall appoint within ten days after said annual election of the same, three persons in said town who shall, in such way and under such rules as may be adopted by said board, and after ten days' notification as to the time and place of assessment, made by written notice at three or more places in said town, proceed Assessment and taxation.

to assess and value all the taxable property in said town, real and personal, for taxation. The said list shall date from April first of each year and shall be certified by said assessors and returnable to said board on or before the first of June following.

Tax collector.

SEC. 6. Upon the return of said list the said board shall designate one of the police officers aforesaid as tax collector for that year, who shall give bond, in a sum to be fixed by the board aforesaid, to collect the taxes aforesaid. He shall collect and pay over to the board the taxes aforesaid by the first day of August following: *Provided*, That the list so turned over to the said designated collecting officer shall be revised by the board before collecting the same.

Refusing to list taxables.

SEC. 7. Any person or persons failing or refusing to list property at the time and place aforesaid, may be taxed double the rate fixed for that year.

How money paid out.

SEC. 8. No money shall be paid out by said board but by an order thereof made and signed at a regular meeting of a majority of the board.

Repeal.

SEC. 9. Chapter two hundred and ten of the acts of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, and all other laws in conflict herewith, are hereby repealed.

When in force.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCII.

AN ACT TO INCORPORATE SAINT JOHN'S LODGE, NUMBER TWELVE, OF FREE AND ACCEPTED ANCIENT YORK MASONS, OF GREENBORO', GUILFORD COUNTY, NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That William W. Morgan, William A. Minor, G.

Tinnin Morehead, George W. Roan, Harman Unthank, Pinkney Jones, Samuel Wiley, James F. Morehead, J. R. Nache, Anderson Nelson and their associates, the officers and members of Saint John's Lodge and their successors, be and they are hereby incorporated into a body politic and corporate, under the name and style of Saint John's Lodge, Number Twelve, of Free and Accepted Ancient York Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be acquired for the convenient transaction of its business.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this State or the United States.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCIII.

AN ACT TO INCORPORATE THE LOCKVILLE COTTON AND WOOLEN MILLS.

SECTION 1. *The General Assembly of North Carolina do enact,* The following named persons, namely: George G. Lobdell, William W. Lobdell, J. M. Heck, M. B. Callendine and Elias P. Heck, their associates, successors and assigns, are constituted a corporation and body politic, under the name of "The Lockville Cotton and Woolen Mills," with a capital stock of forty thousand dollars, with liberty

to increase the same from time to time to any sum or sums not exceeding one million dollars, to be divided into shares of one hundred dollars each, and to have the privileges specially granted, as well as those conferred by the twenty-sixth chapter of Battle's Digest, entitled "corporations."

Stockholders to elect officers.

SEC. 2. The stockholders of said corporation shall have power to elect such officers as they may deem fit, prescribe their duties and terms of service, and make by-laws for the government and proper conduct of the corporation and its business, not inconsistent with the public laws of the State and of the United States.

Business.

SEC. 3. The said corporation shall have power to carry on the business of manufacturing and selling cotton, woolen or other fabrics, to engage in any manufacturing enterprise which may be in aid of said business. It may likewise make and operate rail, turnpike, tram or other roads, all or either of them, for the purpose of connecting its works with other roads or navigation works, and to that end it shall have power of condemnation of land and other property and other powers conferred on railroads and other companies by the sixty-second chapter of Battle's Revisal, entitled "internal improvements." It may purchase, hold, sell and lease or otherwise convey real estate convenient and proper for the transaction of its business, and incidentally to its business, may buy and sell merchandise.

When in force.

SEC. 4. This act shall be in force from its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCIV.

AN ACT TO PROHIBIT THE DEMANDING OF TOLLS AT SANDY BOTTOMS, IN BUNCOMBE COUNTY.

Tolls, &c.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful to take, demand or receive

any toll or tolls, of any person at a point known as Sandy Bottoms, in Buncombe county, on what was heretofore known as the Little River Turnpike, or at any other point on said turnpike, in the counties of Buncombe or Henderson, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction before any acting justice of the peace shall be imprisoned not less than one month: *Provided*, That each separate act shall constitute a distinct offence, and, *Provided, further*, That any person so offending may be indicted in the Superior Court of law, and upon conviction imprisoned in the discretion of the court.

SEC. 2. This act shall take effect from and after its ratification. When in force.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCV.

AN ACT TO INCORPORATE FREE LOVE LODGE, NUMBER ONE THOUSAND FOUR HUNDRED AND SIXTY-NINE, GRAND UNITED ORDER OF ODD FELLOWS, AT THE CITY OF WILMINGTON, COUNTY OF NEW HANOVER.

SECTION 1. *The General Assembly of North Carolina do* Corporators
enact, That Anthony Maulsby, John H. Brown, Richard L. Hutchings, Washington Howe, Louis Bryant, James E. King, Richard Jones, Harry Ellis, Robert Hill, Joseph Jones, William A. Thurber, Thomas H. Lomax, Joseph Willis, William H. Merrich, the present officers and members and their associates, who are members of Free Love Lodge, number one thousand four hundred and sixty-nine, Grand United Order of Odd Fellows, and their successors, be and they are hereby declared to be a community corporation and body politic, by the name and style and title

aforesaid, and by that name they and their successors shall and may at all times be capable in law to have, receive and retain to them and their successors property, both real and personal, also devises and bequests of any person or persons, bodies corporate or politic capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

Corporate privi-
leges, &c.

SEC. 2. That the said corporation and their successors, by the name and style and title aforesaid, shall be thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all and any judges, officers and persons whatever, in all and singular actions, matters or demands whatsoever.

Seal

SEC. 3. That it shall and may be lawful for the said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew from time to time as they may think best, and shall in general have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations of a like character, and what may be necessary to the corporation herein constituted.

When in fo ce.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
RENNO'S CAMP GROUND AND LOCUST OLD FIELD BAPTIST
CHURCH.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact,* That an act entitled an act to incorporate Renno's

Camp Ground and Locust Old Field Baptist Church, passed during the present session of this Legislature, be amended as follows: The said trustees of Renno's Camp Ground and Locust Old Field Baptist Church shall have all the power of a police force, and may make and establish such rules, regulations, by-laws and ordinances, for the government of said camp ground and church, and for the maintenance of order and decorum thereon, and the removal of nuisances therefrom, as they may deem proper, not inconsistent with the constitution and laws of this State, and may appoint a sufficient police force to enforce the same.

Powers of police force granted.

SEC. 2. This act shall be in force from and after its ratification.

When in force.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCVII.

AN ACT TO INCORPORATE THE BRUNSWICK BRIDGE AND FERRY COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That John D. Taylor, Catharine M. Taylor, Walter Furlong, Edward W. Taylor, Ezra Thomas and Daniel L. Russell, and their associates and assigns, are hereby created and constituted a body politic and corporate under the name and style of "The Brunswick Bridge and Ferry Company," and by that name shall be capable of holding property, real, personal and mixed, so far as shall be necessary or proper for the purposes embraced within the scope, object and intent of this charter; and by their corporate name may sue and be sued, plead and be impleaded, and may have and use a common seal, and be invested with all needful powers and authority within the scope and intent of this act.

Corporators.

Capital.

SEC. 2. The capital stock of the company shall be at its organization sixteen thousand dollars, to be held by the stockholders in shares of fifty dollars each. The said capital stock may be increased not to exceed twenty-five thousand dollars.

Power to purchase,
lease, &c.

SEC. 3. Said company is authorized and empowered to purchase or lease, or by any other lawful means to acquire and hold the ferries and road, or causeway leading from Brunswick county over the Brunswick river through Eagle's Island, and over the Cape Fear river to the foot of Market street in the city of Wilmington; and to maintain said ferries and road, or causeway, for the purpose of transporting passengers and freights of every kind and description. The ferries herein referred to are the ferries over the Brunswick river between the main land and Eagle's Island, and the ferry over the Cape Fear river at Wilmington; and all charges made shall be for each ferry separately, or if neither ferry is crossed, then for the use of the road or causeway.

Bridges.

SEC. 4. Said company is authorized to erect a bridge over the Brunswick river, and charge the same tolls or rates as are or may be fixed for the ferry over said river.

Toll.

SEC. 5. The charges or rates of tolls and ferriage shall be as follows for each ferry: for every person, not to exceed ten cents; for every vehicle or conveyance on wheels of every sort and description, not to exceed six and one-fourth cents for each wheel; for every horse, mule, ox, or other animal, if attached to and engaged in drawing a vehicle, or conveyance as aforesaid, the same as for a wheel, to-wit: six and one-fourth cents; for every other horse, mule, ox, and for every cow, hog, sheep, or other animal whatsoever, not to exceed ten cents; for all produce, merchandise, barrels, boxes, packages, and every article or thing of every kind, whatsoever, if charged according to weight, not to exceed fifteen cents for every one hundred pounds; and if not charged by weight, then not to exceed twenty-five cents for the barrel, box, package or other article or thing: *Provided*, Nothing herein contained shall be construed to be a grant

Proviso.

of any privilege to take any tolls upon any box, or other package contained in any vehicle, or upon any animal being transported across any ferry or bridge of this company.

SEC. 6. For passing or transporting over the road or causeway or any part of it, without passing over either ferry, the said company may charge the same rates or tolls as for passing over one of the ferries; but no charge shall be made for the use of the road or causeway, if either of the ferries is crossed over. When the bridge referred to in section four of this act shall be built, it shall for all the purposes of this act stand in the place of the ferry over the Brunswick river, and the word ferries or ferry whenever used in this act to refer to the Brunswick river ferry shall in like manner signify and include the bridge over said river.

Roads or causeways.

SEC. 7. Said company shall have the right to transport persons and things as heretofore set forth, in boats, flats, or by one or more steamboats, running from the foot of Market street, in the city of Wilmington, to the terminus of the causeway or other convenient point on Eagle's Island; and said company may erect all such wharves and docks as shall be necessary for the full enjoyment of the privileges conferred by this act and for the accommodation of the public.

Boats, flats, &c.

SEC. 8. Said company shall have the exclusive privilege of transporting and carrying all persons over the Cape Fear river from Wilmington to Eagle's Island; and the ferry hereby authorized to be kept by said company over the Cape Fear river shall be for the use and accommodation of all persons going or returning to or from any point in the city of Wilmington to or from any point on Eagle's Island, and all such persons shall be considered and they are hereby declared to be customers of said company, and any other individual or corporation transporting or carrying such persons shall be liable to said company for damages in the sum of twenty dollars for every such person so carried or transported. But nothing herein contained shall be construed to prevent any person or firm from keeping its own boats for the use of himself or themselves, their own regular and

Exclusive privileges.

Damages.

legitimate agents, servants or employees in crossing said river at his or their own will and pleasure.

Persons wilfully crossing.

SEC. 9. Any person who shall wilfully cross or pass over either of the ferries or the bridge, or over the causeway or any part of said causeway, with the intention to evade the just and lawful payment of his ferriage or toll, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of either the county of New Hanover or Brunswick, shall be fined not less than five nor more than twenty dollars, in default of the payment of which fine and all costs, he shall be committed to jail for not more than thirty days. All fines imposed and collected under this section shall be paid to the treasurer of the county for the use of the common school fund of the county in which the conviction takes place.

How affairs managed.

SEC. 10. The affairs of said company shall be managed by a president who shall exercise a general supervision and control over the affairs of said company. He shall cause books to be kept correctly and accurately, accounting for all receipts and disbursements, and he shall attend to the interests of all the stockholders. He shall hold his office for the period of one year. No salary or other compensation shall be paid to the president unless he shall present his claim for services rendered, and shall make oath that the services were necessary and actually rendered, and that the amount claimed he verily believes to be not more than a fair remuneration for said services; and no such salary or compensation shall be allowed in any event unless it shall be agreed to by a majority of the shares of all the capital stock of said company, and by the concurrence of a majority of all the individuals owning stock in said company; and no such compensation shall ever exceed five per centum of the net profits or net earnings of the company during the year for which said compensation may be given. The president shall be elected at the first meeting of the stockholders held under their charter, and at every meeting next succeeding the expiration of his term. The vote shall be taken in

the following manner: Upon the motion of any stockholder a stock vote shall be taken, and if any person shall receive seven-eighths of the whole number of the shares of stock, he shall be declared to be elected president. But if after three several and distinct stock votes shall have been taken, no one person shall have received seven-eighths of the whole number of shares of the capital stock of said company, then the stockholders shall proceed to vote *per capita*, and the person who receives the votes of a majority of all the individuals owning stock in said company shall be president of the same. The president shall be a stockholder in said company. The president shall call a meeting of the stockholders whenever requested to do so by any stockholder or stockholders owning or representing as much as one-eighth of the whole number of shares of the capital stock of said company, or whenever requested to do so by as many as one-half of the individuals owning shares of stock in said company.

SEC. 11. The books of said company shall always be open for the inspection and examination of any stockholder; and all the net earnings, or other sums of money in the hands of the company for division among the stockholders shall be regularly divided and paid at intervals of not more than three months.

Inspection of books.

SEC. 12. Said company may make all needful rules and regulations and proper by-laws for its government and management, which the president shall cause to be duly recorded.

Power to make rules and regulations.

SEC. 13. Any person who shall wilfully set fire to, or burn, or attempt to burn any bridge belonging to said company, shall be guilty of felony, and upon conviction shall be punished in like manner and to the same extent as is or may be provided by law for the burning of railroad bridges.

Persons burning, guilty of felony.

SEC. 14. The road or causeway on Eagle's Island shall be widened so that at intervals of not more than thirty yards there shall be a space sufficient for vehicles to pass with ease and safety.

Eagle's island.

Charges to be uniform.

SEC. 15. That all rates, tolls, ferriages and other charges shall be uniform in respect to all persons; and no free passes, deadheads, or special privileges shall be granted to any person to the exclusion of any other person. But nothing herein contained shall be construed to prohibit the establishment or imposition of rates or charges discriminating under general rules and regulations, among different classes of customers according to the amount of business done by them, their proximity to the ferries, their occupations, or other lawful and reasonable considerations. Special rates may be made by special agreement with any corporation or person in cases where the amount agreed upon shall be five hundred dollars or more *per annum*.

When in force.

SEC. 16. This act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCVIII.

AN ACT TO AUTHORIZE THE TOWN OF NEWTON TO TAKE STOCK IN RAILROAD COMPANIES, AND FOR OTHER PURPOSES.

Subscription.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town commissioners of the town of Newton, in the county of Catawba, shall have power to subscribe stock to any railroad company or companies when necessary to aid in the completion of any railroad in which the citizens of the said town may have an interest.

Submitted to voters.

SEC. 2. That the commissioners of said town proposing to take stock in any railroad company shall meet and agree upon the amount to be subscribed, and if a majority of the commissioners shall vote for the proposition, this shall be entered of record, which shall show the amount proposed to be subscribed, to what company and whether in bonds,

money or other property, and thereupon the commissioners shall order an election to be held on a notice of not less than thirty days for the purpose of voting for or against the proposition to subscribe the amount of stock agreed on by the said town commissioners. And if a majority of the qualified voters of the said town shall vote in favor of the proposition, the said town commissioners, through their magistrate of police, or chief officers, shall have power to subscribe the amount of stock proposed by them and submitted to the people subject to all the rules, regulations and restrictions of other stockholders in such company or companies: *Provided also*, That the said town commissioners in the manner aforesaid shall subscribe from time to time, and such amounts either in bonds or money as they may think proper: *Provided, further*, That a majority of the qualified voters of said town shall vote for the same. The number of said voters to be ascertained by a registration made and completed at thirty days before said election.

SEC. 3. That all elections ordered under the second section of this act shall be held by the said commissioners under the laws and regulations provided for the election of commissioners of said town. The votes shall be compared by the town commissioners who shall make a record of the same.

Elections by whom held

SEC. 4. In case the said town shall subscribe the amount proposed in bonds, the commissioners shall have power to fix the rate of interest not to exceed the rate of eight per centum when the interest on the said bonds shall be payable, and at what place, and also shall fix the time and places of paying the interest and shall also determine the mode and manner of the same, and also to raise by taxation from year to year the amount necessary to meet the interest on said bonds, and to raise a sinking fund to discharge the bonds when the same become due.

Rate of interest.

SEC. 5. The taxes authorized by this act to be raised for the payment of interest or principal shall be collected by the town constable, in like manner as other town taxes, shall be

Tax collector.

paid into the hands of the town treasurer to be used by the magistrate of police or chief officer as directed by this act.

Limits. SEC. 6. That the corporate limits of said town shall extend one mile from the court house northward and southward on Main street and its continuation, and one thousand yards on each side of said street.

Street. SEC. 7. That the commissioners shall have power from time to time to open out any new streets within the limits of said corporation by paying the owners through whose lands the said streets run for the same: *Provided*, That if the said commissioners and the owners of said land cannot agree as to the price of the same it shall be left to three disinterested persons to be selected by the parties, and if either fail upon notice to select, then the clerk of the Superior Court shall appoint a jury, which shall assess damages, whose judgment shall be conclusive.

Town constable. SEC. 8. That the town constable shall be elected in the same manner and under the same penalties for not serving as the town commissioners, and if any vacancy shall occur in office of constable, the commissioners may appoint.

When in force. SEC. 9. That this act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER XCIX.

AN ACT TO INCORPORATE HARMONY HILL CAMP GROUND, IN
THE COUNTY OF IREDELL.

Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, That Davidson Horn, Jacob Crater, Manlus Current, William I Colvert, Martin Gaither, W. T. Gaither, Nelson Foreum, J. M. Holmes and J. M. Turner, and their successors, be and they are hereby declared to be a body politic

and corporate, to be known and distinguished by the name and style of the "Trustees of Harmony Hill Camp Ground," situated in the county of Iredell, and State of North Carolina, and the said trustees shall have succession and a common seal, and be capable in law to sue and be sued, plead and be impleaded in all the courts of this State, and may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which now belong to, or may be given by will or otherwise to said camp ground, and hold for the use of same.

Name and style.

SEC. 2. That the said trustees shall have power to elect their officers, consisting of chairman, secretary and treasurer, and may make and establish such rules and regulations, by-laws and ordinances for the government of said camp ground and for the maintenance of order and decorum thereon, and the removal of nuisances therefrom as they may deem proper, not inconsistent with the constitution and laws of this State, and may appoint a sufficient police force to enforce the same.

Powers of trustees.

SEC. 3. That it shall not be lawful for any person to sell, give away or otherwise dispose of spirituous liquors, with a view to compensation, either directly or indirectly, on said camp ground, or within two miles thereof during the time of religious exercises thereon, and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than twenty-five, or imprisoned not more than thirty days, one or both, in the discretion of the court.

Spirituous liquors.

SEC. 4. That in case of death or refusal to act or removal from the State of any of the trustees, the remaining trustees shall have power to fill the vacancy: *Provided*, That not less than five nor more than ten persons shall be trustees under this act.

Vacancies.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1874.

CHAPTER C.

AN ACT TO INCORPORATE PIEDMONT SPRINGS COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of establishing a first-class watering place in Stokes county, North Carolina, W. E. Williamson, C. M. Flinn and Robt. G. Pace, and such others as now are or shall hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate, under the name and style of the Piedmont Springs Company.

Real estate.

SEC. 2. That said company shall have power to purchase, hold, possess and dispose of all such real estate, not exceeding one thousand acres, and such personal estate as shall be necessary to the objects for which they are incorporated, and shall have all such powers as are granted to corporations in chapter twenty-six of the Revised Code, entitled "Corporations."

Capital.

SEC. 3. That the capital stock of said company shall not exceed three hundred thousand dollars (\$300,000), and they may prescribe the mode of transfer and representation of its stock, make rules and by-laws, police regulations and have a police force, borrow money and mortgage the property and do and perform all other matters and things necessary for the proper management and conduct of said corporation not inconsistent with the laws of the land.

General commissioner.

SEC. 4. That W. E. Williamson be appointed general commissioner to open books for subscription to the stock of said company, at such places in this State or Virginia as he may think proper, and when fifteen thousand dollars shall have been subscribed to call a meeting of stockholders and they shall then organize in accordance with this act.

Ninety-nine years.

SEC. 5. The said company shall exist for ninety-nine years.

Ratable assessment.

SEC. 6. That the license tax on bar, billiard room and bowling alleys be assessed ratably and only for the time

these several institutions may be kept open for the use of visitors.

SEC. 7. That this act shall be in force from and after its ratification. When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE HORSE FORD MANUFACTURING COMPANY, RATIFIED THE ELEVENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *The General Assembly of North Carolina do enact,* Amendment. That an act entitled an act to incorporate the Horse Ford Manufacturing Company, ratified the eleventh day of February, one thousand eight hundred and seventy-three, be and the same is hereby amended so as to confer upon and vest in the said Horse Ford Manufacturing Company all the rights, powers and privileges conferred upon "the Lockville Locomotive and Car Company" by an act entitled "an act to incorporate the Lockville Locomotive and Car Company," ratified the third day of March, one thousand eight hundred and seventy-three.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CII.

AN ACT TO INCORPORATE THE TOWN OF CERRO GORDO, IN THE COUNTY OF COLUMBUS.

body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Cerro Gordo is hereby created an incorporated town, and P. L. Peacock, M. D. Bullard, I. J. Brown, David Smith and H. D. Williamson and their successors are hereby created a body politic under the style of the commissioners of the town of Cerro Gordo, to have perpetual succession, with the usual powers of such corporations, to sue and be sued, plead and be impleaded, contract and be contracted with, and to make all needful rules and regulations, by-laws and ordinances for the government of said town, not inconsistent with the constitution and laws of this State and of the United States.

Commissioners.

Term of office.

SEC. 2. That the above named commissioners shall only hold their office till their successors are duly elected at the next regular municipal election for the towns of this State.

Corporate limits.

SEC. 3. That the limits and boundaries of said town shall be as follows: Beginning at a stake twelve chains from the railroad, above Riddick's, and runs south twenty-four chains to a small sapling, then east fifty-eight chains to a stake in Peacock's field, then north twenty-four chains to a pine sapling, then west fifty-eight chains to the beginning.

Appointments.

SEC. 4. That said commissioners may appoint a town constable and may also choose a mayor of said town until the next regular municipal election for the towns of this State, at which time an election shall be held for mayor and five commissioners, a town constable, town treasurer and town clerk, and so on annually according to general laws on this subject.

Powers and restrictions.

SEC. 5. That said town commissioners shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal not inconsistent with

the constitution and laws of this State or of the United States, also subject to the provisions of the general laws of this State in relation to corporations.

SEC. 6. That the commissioners shall have power to levy Taxes. a tax not to exceed sixteen and two-third cents on the one hundred dollars valuation of property and fifty cents on the poll.

SEC. 7. That said commissioners and their successors shall Nuisances. have power to abate all nuisances within their corporate limits, and for this purpose may impose and collect such fines as may be necessary to abate them in the judgment of the commissioners.

SEC. 8. It shall be the duty of the commissioners to ex- Streets. pend the taxes so levied and collected in repairing the streets and sidewalks, and keep them in good and passable order, and for the general benefit of the corporation as in their judgment may seem best.

SEC. 9. This act shall be in force from and after its rati- When in force. fication.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CIII.

AN ACT TO INCORPORATE THE TOWN OF BUSH HILL, IN RANDOLPH COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Body politic. enact, That the village of Bush Hill, in Randolph county, known as Bush Hill, is hereby incorporated by the name of Bush Hill, and as such shall be subject to general laws upon towns, so far as the same are now in force and except so far as varied by this charter.

SEC. 2. That the limits of said town shall be lines running one half mile east and west, and three-quarters of a mile

north and South of the Sash and Blind Factory of W. E. Petty & Company, in said town.

Commissioners.

SEC. 3. That the commissioners of said town shall be five in number, and that until their successors shall be elected under the laws of the State the following persons shall be commissioners: J. M. Tomlinson, Alexander Wray, Moses Hammond, E. M. Frazier, L. A. Burch; and W. M. Wilson shall be mayor of said town, with all the powers by law conferred upon such officers.

When in force.

SEC. 4. This act shall be in force from and after its ratification

Ratified this 14th day of February, A. D. 1874.

CHAPTER CIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REPEAL AN ACT PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND FORTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE, ENTITLED AN ACT TO AMEND AN ACT FOR THE BETTER REGULATION OF THE TOWN OF TARBORO', IN EDGEcombe COUNTY, AND FOR OTHER PURPOSES, BEING CHAPTER TWO HUNDRED AND TWELVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN, RATIFIED FIFTH JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two of said act be and the same is hereby repealed.

Elections.

SEC. 2. That there shall be annually elected by the qualified voters of the town of Tarboro' a mayor and four (4) commissioners, and that the mayor shall possess all the power and authority heretofore conferred upon the magis-

trate of police of said town, as well as the general powers conferred by law upon mayors of cities and towns, and shall preside at the meetings of the commissioners, and in case of a tie vote upon any question before such commissioners shall give the casting vote thereon.

SEC. 3. That section two, of chapter sixty-six, of the laws of one thousand eight hundred and thirty-one and one thousand eight hundred and thirty-two, is hereby repealed. Repeal.

SEC. 4. This act shall be in force from and after its ratification. When in force.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CV.

AN ACT TO INCORPORATE THE WILMINGTON COTTON MILLS.

SECTION 1. *The General Assembly of North Carolina do enact,* That Edward Kidder, Armand J. DeRosset, George R. French, Donald McRae, Silas N. Martin, Francis W. Kerchner, James H. Chadbourn, William A. French, J. Wilder Atkinson, George Chadbourn, Daniel A. Smith, and such other persons and corporations as may hereafter associate with them, their successors, associates and assigns, be and they are hereby created a body politic and incorporated as such for the term of ninety-nine years under and by the name and style of "The Wilmington Cotton Mills," with all the rights, privileges and powers incident or granted or belonging to corporations as set forth or declared in the first, second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled "corporations." Corporators.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of manufacturing, making and finish- Business of company.

ing yarns, cloths, prints or any other fabrics of cotton, wool, or any other material, and to purchase, hold and convey all such real estate as may be considered necessary or which may be required for any purpose incident to or connected with the successful conduct of the business aforesaid, or for the convenient accommodation of the officers, managers, employees or other persons connected with said business, or for the safe keeping and storage of the property of any kind held by said corporation.

Capital.

SEC. 3. That the capital stock of said corporation shall be one hundred and fifty thousand dollars (\$150,000) in shares of one hundred dollars (\$100) each, and said corporation shall have authority to increase said capital stock from time to time to an amount not exceeding in the aggregate the sum of one million of dollars, (\$1,000,000) in shares of like amount, but no such increase of the capital stock shall at any time be made unless authorized by a majority in interest of the then stockholders.

Books of subscription.

SEC. 4. That books of subscription to the capital stock of said corporation shall be opened in the city of Wilmington and elsewhere, at such time as a majority of the corporators hereinbefore named shall designate; and any other corporation created and existing by virtue of or under any law or laws of this State is hereby authorized and empowered to subscribe to the capital stock of the corporation by this act created, and to become a stockholder of such number of the shares of the same as a majority in interest of the stockholders of any such other corporation may determine.

May borrow money and issue bonds.

SEC. 5. That said corporation shall have power to borrow money, to issue bonds or other evidences of any indebtedness so created, and secure the payment of the same by mortgage of its property and effects or otherwise, and may make any such bonds or other evidences of its indebtedness convertible, and provide for their conversion into the capital stock of said corporation at such rate and upon such terms as to said corporation may seem best.

SEC. 6. That this act shall be in full force from and after ^{When in force.} ratification.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CVI.

AN ACT TO INCORPORATE THE PEE DEE MANUFACTURING COMPANY, IN THE COUNTY OF RICHMOND.

SECTION 1. *The General Assembly of North Carolina do* ^{Corporators.} *enact*, That Robert L. Steele, John W. Leak, Thomas C. Leak, Walter L. Steele, Jesse S. Spencer, William I. Everett, their associates, successors and assigns shall be and are hereby declared a body corporate and politic by the name and style of the Pee Dee Manufacturing Company, for the purpose of erecting and using mills and machinery for the manufacturing of cotton, wool and other textile fabrics, on Hitchcock's creek, near the town of Rockingham, in the county of Richmond, and by said corporate name may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered in any of the courts of this State; may have and use a common seal, alterable and renewable at their pleasure, may establish such by-laws, rules and regulations for the government of said corporation as they may deem proper, not inconsistent with the law of the land, may purchase and hold real estate for the uses of said corporations, so the same shall not exceed three hundred acres in quantity, may acquire and hold personal property and effects to whatever extent may be necessary and convenient for the purposes of their organization, and generally shall have authority to do all acts and things for proper and convenient carrying on the business for which they are established which other corporate bodies have of like character,

not inconsistent with or contrary to the constitution and laws of this State or of the United States.

Capital.

SEC. 2. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars and shall be divided into shares of one hundred dollars each, and when the sum of twenty thousand dollars of said amount shall be subscribed and twenty per centum thereof shall be paid to the person or persons authorized by the corporation herein named to receive the same, the said corporators, their associates and successors and assigns, shall be and are hereby declared to be a body politic and corporate with all the rights and liabilities herein conferred and imposed for the business hereby authorized with only corporate liabilities for the space and term of thirty years.

Books of subscription.

SEC. 3. That as soon as the sum of twenty thousand dollars shall have been subscribed and the percentage thereon paid as aforesaid, the corporators herein named shall have full power and authority to open books of subscription for the capital stock of said company, at Rockingham, Wilmington and elsewhere, under the superintendence of such persons as they may elect, and shall prescribe the instalments by which and the times when such subscription shall be paid; and all persons subscribing to the same and refusing to pay according to said terms, shall be liable at the suit of said corporation in an action of debt in any court of competent jurisdiction.

Meeting.

SEC. 4. That as soon as the sum of fifty thousand dollars shall have been subscribed as aforesaid, it shall be the duty of the corporators hereinbefore named to call a meeting of the subscribers thereof at Rockingham, in the county of Richmond, giving twenty days' notice thereof in some newspaper of general circulation in the State, and at said meeting, if a majority of the shares subscribed are represented either in person or by attorney, the subscribers so present shall proceed to elect a board of directors, not less than five nor more than seven in number, who shall manage the affairs of the corporation for one year from the date of their

election and until their successors shall be chosen, and said board of directors shall, as early as practicable, elect one of their number president, and appoint such other officers, agents and employees as in their judgment the records of the corporation shall require, and shall have power to do all other acts and things for the ordering and management of the affairs of said company incident to the position and auxiliary to the purposes for which the corporation is created, subject always to the laws of the land.

SEC. 5. That compensation to the president and directors shall be fixed by the stockholders, and to the other officers and employees by the board of directors, and the said board shall have authority to take bonds from certain officers having in charge the finances of the corporation and bring suit upon the breach thereof. Compensation.

SEC. 6. That the annual meeting of the stockholders shall be held at such times and places as the stockholders may direct, and at said meetings and at all other meetings called by the board of directors or by one-fifth in interest of the stockholders, each stockholder shall be entitled to one vote for every share held by him. Annual meeting.

SEC. 7. That said corporation shall have authority to construct dams, buildings, walls and all other works necessary for the purposes for which they are established, and may purchase, make and use all machinery, tool implements and fixtures necessary and convenient for such ends, and may use any motive power which may be deemed conducive to the interests of the company. Dams, buildings, &c.

SEC. 8. That the board of directors shall have authority to keep open their books of subscription until the whole of the capital stock shall be subscribed and may prescribe the terms upon which new stockholders may be admitted, and may determine upon the rate of interest which shall be allowed upon advanced payment, so the rate shall not exceed that allowed by law. Board may keep open books.

SEC. 9. That said corporation shall have power to borrow money for the purposes of their business to an amount not May borrow money, &c.

exceeding fifty thousand dollars, at such rate of interest as may be agreed upon, not exceeding that allowed by law per annum, and to issue under their corporate seal obligations to pay the same, which said obligations shall be assignable by endorsement as inland bills of exchange, and have all their incidents and no other.

Directors to lay off
land.

SEC. 10. That to aid said corporation in the protection of their property, the peace and quiet of their community and the advancement of their interest, the board of directors, to be elected by the stockholders, shall have power, as early as practicable after their election, to lay off by metes and bounds, under the direction of a competent surveyor, a tract of land out of their real estate sufficient to embrace the buildings for machinery, motive power and the dwellings of their officers and employees, and appoint from among the inhabitants thereof five discreet persons, who are qualified voters of the State, as commissioners for the management and regulation of the police of said place, who, with the president of the corporation or the superintendent, as the board of directors may designate, shall have all the municipal powers now granted by the laws of the State and be subject to all the duties and liabilities of the same for one year from the date of their appointment and until their successors are chosen, and at the expiration of said time, or within one week thereafter, an election shall be held under the superintendence of the sheriff of the county of Richmond and according to the laws of the State, for five persons to succeed those first appointed, to be chosen by the qualified voters within said limits out of their number, and the persons thus elected, and their successors duly chosen annually thereafter, shall succeed to all the powers and liabilities of commissioners first appointed, and the president or superintendent, as the board of directors of the corporation may designate, shall be invested with all the powers and subject to all the liabilities of a presiding magistrates by the general laws of the State.

SEC. 11. That this act shall take effect and be in force When in force. from and after its ratification and remain in force until the first day of January, Anno Domini one thousand nine hundred and five.

Ratified this 14th day of February, A. D. 1874.

CHAPTER CVII.

AN ACT TO INCORPORATE THE PLANTERS' BANK OF MOUNT AIRY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That John M. Brower, Jesse F. Graves, William A. Moore, Thomas M. Brower, Isaac Armfield, Winston Fulton, Washington Smith, Robert S. Gilmer, John L. Worth, and William M. Banner, their present and future associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of Planters' Bank of Mount Airy, and shall so continue for the term of sixty years, with capacity to take, hold and convey real or personal estate, and with all the powers, rights and privileges granted to any bank or banking institution, together with the rights, powers and privileges incident and belonging to corporations as set forth or referred to in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina, entitled corporations. /

SEC. 2. The capital stock of said corporation shall not be Capital. less than fifteen thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time. Said corporation may elect a sum not exceeding two hundred thousand dollars.

SEC. 3. The corporators in the first section named, or any Books of subscrip
tion. three of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, at such places, and for such period, as they shall de-

termine, and the stockholders at any general meeting called after the due organization of said bank may at their discretion from time to time re-open books of subscription to said capital stock until the same be wholly taken.

Meetings.

SEC. 4. Whenever fifteen thousand dollars shall be paid into the capital stock of said bank, the before named corporators or any three of them shall call a meeting of the subscribers to said stock, at such time and place, and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year, and until their successors shall be appointed. The said directors shall choose a president, and vice-president, to serve during their continuance in office.

Offices, rules, &c.

SEC. 5. The president and directors of the bank may adopt and use a common seal, and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful performance of their duties, prescribe the manner for paying for stock and the transfer thereof, may do a general banking business on such terms and rates of discount and interest as may be agreed on: *Provided*, That the rate of interest allowed in this act shall be subject to the restriction of the general laws of the State, and in general have the privilege conferred on corporations by the general laws of the State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity as now provided by law.

Proviso.

Coin.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper, and public or other securities, may purchase and hold such real and personal estate and property as may be conveyed to secure debt to the bank, or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business; and at

pleasure sell or exchange the same ; may discount notes and other evidences of debt, and lend money on such terms as may be agreed on, subject to the restrictions of the general laws of the State ; may receive and deposit moneys on terms to be agreed on between the officers and depositors. The bank may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor bearing such rates of interest as may be agreed on between the parties, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as under the seal of the bank.

SEC. 7. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash, at the banking house in Mount Airy, after advertisement of sale for twenty days, in a newspaper published in the town, and if at such sale the price should not be sufficient to discharge the amount unpaid with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

Failure to pay subscriptions, &c.

SEC. 8. If any subscriber shall assign his stock before its full payment, he, and his assignee, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action, and in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note, payable to the bank, as well in respect to remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Assignments.

SEC. 9. The president and directors shall be capable of exercising any such powers and authority as may be neces-

Affairs.

sary for the better government of the affairs of the corporation ; shall have power to prescribe rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank, and they shall direct when dividends of profit shall be made. They may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days' notice in a newspaper published in Mount Airy. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Loans.

SEC. 10. That to aid planters, miners, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons any sum or sums of money, and to secure the repayment of same, taking in writing a lien or liens on the crop or crops to be raised even before planting the same, or upon the present or prospective products of any mining operations or upon any article or articles then existing or thereafter to be made, purchased, manufactured or otherwise acquired ; any lien so taken shall be good and effectual in law : *Provided*, The same is duly recorded under the existing laws of registration anterior to all other liens and mortgages for securing such liens or advances. And the said bank shall have power to make loans upon mortgages of real and personal property, with power of sale inserted in default of payment, and also to secure in storage or warehouse any tobacco, wheat, corn, other produce, or any manufactured article whatsoever as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust ; any sales made thereunder according to the terms therein recited shall be good and valid in law.

SEC. 11. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CVIII.

AN ACT TO AMEND AN ACT TO CONSOLIDATE THE VARIOUS
ACTS HERETOFORE PASSED TO INCORPORATE THE TOWN OF
LUMBERTON, IN THE COUNTY OF ROBESON.

SECTION 1. *The General Assembly of North Carolina do* Amendments.
enact, That an act passed at the present General Assembly to consolidate the various acts heretofore passed to incorporate the town of Lumberton, in the county of Robeson, be amended as follows: In section eight strike out the word June, in fourth line, and insert the word May. Also after the words "in any other way" add "owned or possessed by them on the first day of April." Also by striking out the words, "the first day of July" and insert the first Monday in June. Amend section six by striking out the words "first Monday in May" and insert first Monday in July. Amend by adding the following as a section to the bill: That all taxes on real and personal property (except license tax) shall be due and collectable on the first day of October, in each year, and the town clerk is hereby empowered to administer oaths to persons giving in their tax list.

SEC. 2. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CIX.

AN ACT TO INCORPORATE THE WESTERN NORTH CAROLINA
LAND COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Emmons T. Mockridge, William McGeorge, Jr., Dr. J. Grier Ralston and John H. Ralston, and their associates, successors and assigns, or any three of them, be and they are hereby created a corporation and body politic for the period of ninety-nine years, under the name, style and title of "The Western North Carolina Land Company," with a capital stock of two hundred thousand dollars, with power to increase the same from time to time when approved by a majority of the stockholders.

Contracts, mortgages, &c.

SEC. 2. The said corporation shall be capable of suing and being sued, impleading and being impleaded, contracting and being contracted with, and shall have all the privileges, powers and incidents belonging to corporations organized and granted by the present general laws of corporations, or which may be hereafter so granted, and in addition thereto shall have power to receive, purchase, buy and hold land, real estate and property, real, personal and mixed, to issue certificates of stock therefor and to improve, sell and dispose of the same in such parts, parcels, way and manner as they may deem best, and to this end and intent may enter into agreements, contracts and conveyances, and may lease, mortgage or otherwise dispose of and convey the same, and may receive for such sales, &c., such moneys, securities and things as they may choose, with power to issue and endorse bonds, and may prescribe the form of such conveyances, agreements, contracts, leases, mortgages, or other instruments of writing, and determine how and by whom the same shall be executed, with further power to make loans and advances of money or other things to settlers and others, on such terms and on such securities, real and per-

sonal, as may be agreed on: *Provided*, That no rate of Proviso. interest greater than that established by law shall be charged, and to engage in any species of agricultural, horticultural, mining, building and manufacturing enterprise, and by vending, selling and disposing of the products and results of the same, to take measures for the transportation, location and settlement of persons and property upon their lands, with power to build and construct railways and roads through and over their lands, and to connect the same with any existing or any railroads hereafter to be built, and of carrying out any other purpose connected with the business of the company, and of such other business as may not be contrary to the constitution and laws of the State or of the United States, with power also to form and lay out town-sites upon their lands and to prescribe the rules and regulations thereof; and to the carrying out of the above mentioned purposes, objects and incidents, may make all such by-laws, rules and regulations as they may deem proper and consistent, and the same to add to, alter, amend and repeal at pleasure: *Provided*, That such by-laws shall not be inconsistent with the constitution and laws of the State or of the United States, or the provisions of this act.

SEC. 3. That said corporation may adopt a common seal Certificate of stock. and the same to alter at pleasure, and have power to issue certificates of stocks on such, from and subject to such regulations as they may from time to time by their by-laws prescribe; that subscription to said stock of said corporation may be paid in part or in whole in real or personal estate, at a valuation to be agreed on.

SEC. 4. The affairs and business of said company shall be Affairs how conducted. managed by a board of directors, one of whom shall be president of said company, which board shall be chosen annually by the stockholders, but the corporators named in this act, or a majority thereof, shall have power to appoint the officers, who shall manage the business of the association for the first year, and who shall hold their respective offices until their successors are duly elected, and that the

principal office of said association, with branch offices, may be in such place and places as may, by the by-laws, from time to time be prescribed.

When in force.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CX.

AN ACT TO INCORPORATE THE MACHINE AND CAR COMPANY, OF WILMINGTON, NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That George Hall, James Darby, Isaac B. Grainger, T. Hall McKoy, of Wilmington, in this State, their associates, successors and assigns, are hereby constituted and declared to be a body politic and incorporated by the name and style of the Machine and Car Company, of Wilmington, North Carolina, with the rights, privileges and powers incident or belonging to corporations as set forth in the first, second, third and fourth sections of the twenty-sixth chapter of the Revised Code of North Carolina entitled corporations, and shall continue to exist as such body politic and corporate for the term of ninety-nine years.

Car works.

SEC. 2. That said corporation is hereby authorized and empowered to establish in the city of Wilmington aforesaid, or at any other place within ten miles of said city, one or more manufactories for making and manufacturing cars and coaches for railroads, machines and machinery of all kinds, and all such other articles or things of wood, iron, or other materials as may by said corporation be considered judicious or profitable, and may purchase, hold and convey all such real and personal property and effects and enter into all such contracts or obligations as may be necessary or in any

way incident to the conducting and carrying on of the business of any thing whatsoever.

SEC. 3. That the capital stock of said corporation shall Capital. not be less than twenty thousand dollars, but the same may from time to time be increased to such sum not exceeding five hundred thousand dollars as the stockholders of said corporation may determine. Said capital stock shall be divided into shares severally of the par value of twenty-five dollars, and books of subscription to the same shall be opened in the city of Wilmington, or elsewhere, under the direction of the corporators herein named, or any one of them, at such time and times as may be deemed best, and so soon as said sum of twenty thousand dollars shall be subscribed as aforesaid, it shall be the duty of said before named corporators to call a meeting of such subscribers for the due organization of said corporation and the adoption of such by-laws and the election of such officers as to such subscribers may seem expedient.

SEC. 4. That this act shall be in force from and after its When in force ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXI.

AN ACT TO INCORPORATE TOKAY WINE COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Corporators. *enact*, That H. K. Horne, T. J. Jones and R. L. Hennessee, their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name of the Tokay Wine Company, and by their name and style may sue and be sued, plead and be impleaded in any court of this State, contract and be contracted with, have perpetual succession and a common seal, acquire and possess real and per-

sonal estate, and shall exist as a corporation for ninety-nine years.

Powers and privileges.

SEC. 2. That said corporation shall have power to acquire, lease and lay out orchards and vineyards, to erect and maintain establishments for the manufacture of wine and brandy from fruit of any kind, and in any manner to utilize grapes, tree and garden products, to trade the crude products or articles manufactured from the same, to have, purchase, receive and possess, enjoy and realize to themselves and successors, lands, rights, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality: *Provided*, Nothing herein contained shall be construed an exemption from any law of the State requiring a tax for license to sell spirituous liquors.

Capital.

SEC. 3. That the capital stock of said company be one hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each.

By-laws.

SEC. 4. That said corporation shall have power to enact and at any time to amend all by-laws, rules and regulations it may deem necessary for the successful management of its affairs, to provide for the sale and transfer of stock, levy and collect assessments, forfeitures, and sell delinquent shares of stock, prescribe the number of directors of said company and the terms of office of the same and when and where the several meetings of said company shall be held.

President.

SEC. 5. That the board of directors shall elect one of their body president of the company unless the incorporators shall themselves fill such office. The affairs of said company shall be managed by the president and directors, who shall have power to fill any vacancies that may occur in the board, and shall have power to appoint all subordinate officers for placemen, declare dividends as often as the profits will justify, and make reports to the stockholders agreeable to the by-laws of the company.

SEC. 6. That said company shall have power at any time to borrow money for the prosecution of its legitimate business within the scope of this charter, and secure the same by bond, or note or mortgage, as the stockholders may direct. Borrowing money.

SEC. 7. That this act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXII.

AN ACT TO INCORPORATE THE TOWN OF ELIZABETHTOWN, IN
THE COUNTY OF BLADEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Elizabethtown, in the county of Bladen, be, and the same is hereby incorporated by the name and style of the town of Elizabethtown, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the constitution and laws of the State, or the United States, also subject to the general law in relation to incorporations. Body politic.

SEC. 2. That the corporate limits of said town shall be as follows: shall include one hundred and twenty-five acres of land, bounded as follows: beginning on the Cape Fear river, at the lower edge of the public gauge, and runs thence a direct line with and beyond what is known as Lower street, to a stake opposite Swansey, the back street of said town, thence a direct line to and with Swansey street to Pine street, thence with Pine street a direct line to the Cape Fear river, thence down the south bank of said river to the first station. Corporate limits.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and marshal. It shall be the Officers.

duty of the sheriff of the county of Bladen, or any justice of the peace within said bounds, within thirty days after the ratification of this act, after giving ten days' notice by advertising at the court house door and two other places in said corporation, to open the polls at the court house for the election of mayor, three commissioners and a marshal, under the same restrictions that other county and State elections are held, and the officers elected at such election shall enter at once upon the duties of their offices, first taking the usual oaths of office.

Spirituos liquors. SEC. 4. It shall not be lawful for the board of county commissioners of Bladen county to grant license to any person to retail spirituos liquors within the corporate limits of Elizabethtown without his having a recommendation in writing from the mayor and commissioners of said town to that effect, and any license granted without such recommendation shall be void.

Voters SEC. 5. That all resident citizens within said corporation that have resided there thirty days previous to the elections shall be entitled to vote at said elections.

By-laws. SEC. 6. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this State and the United States.

Taxation SEC. 7. That the commissioners shall have power to lay a tax not to exceed fifty cents on the poll, and not to exceed twenty-five cents on one hundred dollars valuation of property.

Subjects. SEC. 8. The commissioners shall have power to tax all subjects of State taxation within the corporate limits to an amount not exceeding one-half the State tax, and shall also have power to tax dogs, and abate all nuisances, and may impose such fines as may be necessary to abate them.

Streets. SEC. 9. It shall be the duty of said commissioners to spend the tax so collected in repairing the streets and sidewalks, and keep them in good passable order, and exempt persons inside of the corporation from working on public roads.

SEC. 10. The commissioners, when organized, shall have power to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer who shall enter into bond, approved by the commissioners, and it shall also be their duty to require the marshal elect to enter into a bond, payable to the State of North Carolina, in the sum of five hundred dollars, approved by the commissioners.

Board may appoint officers.

SEC. 11. This act shall be in force from and after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXIII.

AN ACT TO AMEND AN ACT TO CHANGE THE NAME OF THE TOWN OF BOON HILL, IN JOHNSTON COUNTY, AND PROHIBIT THE SALE OF SPIRITUOUS LIQUORS THEREIN.

SECTION 1. *The General Assembly of North Carolina do enact*, That the above recited act, being chapter nineteen, private laws one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, ratified the seventeenth day of February, one thousand eight hundred and seventy-three, be amended by adding the following proviso and sections immediately after section two of said act, to-wit: *Provided*, That nothing herein contained shall have any force or effect in the limits aforesaid until the question of prohibition or no prohibition shall have been submitted to the qualified voters therein on the first Monday in May next and on the first Monday in May in each year thereafter, under the direction of the mayor and commissioners of said town of Princeton.

Change of name.

SEC. 2. At any election held under this act those voting in favor of prohibition shall vote a written or printed ticket "prohibition," those voting against it, "no prohibition."

Spirituous liquors.

SEC. 3. If at any election held under this act a majority of the qualified voters within said limits shall vote in favor of "prohibition," this act shall take effect immediately thereafter.

When in force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXIV.

AN ACT TO AMEND SECTION TWO, CHAPTER SIXTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section two of chapter sixty-one of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, entitled an act to incorporate the Belle Cove Oyster Company, ratified the twenty-eighth of February, one thousand eight hundred and seventy-three, be amended by adding to said section the following proviso: *Provided*, That the true intent and meaning of said act is that the said company shall operate the territory included in said boundary, and no more, and upon, and its chartered privileges extend to, eighty acres of that it shall be the duty of said company on or before the first day of April, one thousand eight hundred and seventy-four, to select and stake out the said eighty acres to which alone their chartered rights shall apply, and upon their failure so to do, the said charter shall become void and of no effect.

When in force.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXV.

AN ACT TO INCORPORATE THE ROCKY MOUNT MILLS.

SECTION 1. *The General Assembly of North Carolina do enact*, The following named, viz: William S. Battle, James S. Battle, John D. Battle, their associates, successors and assigns, are created a body politic and corporate under the name of the "Rocky Mount Mills," with a capital stock of one hundred and fifty thousand dollars, with liberty to increase the same from time to time, to any sum or sums not exceeding one million dollars, divided into shares of one hundred dollars each; said corporation to have the privileges specially granted, and also those belonging to like corporations under the twenty-sixth chapter of Battle's Revisal, entitled corporations.

Corporators.

SEC. 2. The stockholders shall have power to make all rules and regulations they may deem fit for the government of the corporation, and transaction of its business. They may prescribe the numbers and powers of their directors and other officers, fix salaries and terms of service, regulate the terms and place of general or special meeting of stockholders, and in general make such by-laws as they may deem fit not inconsistent with the constitutions and laws of the State or the United States.

Rules and regulations.

SEC. 3. Said corporation shall have power to engage in the manufacture of cotton, woolen or other fabrics, or in any species of manufacturing enterprise, may buy and sell goods, wares and merchandise, may make and operate rail, turnpike, tram or other roads, or any of them for the purpose of connecting its works with one another, and with other roads, and to that end shall have the powers conferred on railroad companies in the sixty-second chapter of Battle's Revisal, and may purchase, hold, sell and lease, or otherwise

Cotton, wool and other fabrics.

convey such real estate as may be proper for carrying on its business.

When in force.

SEC. 4. This act shall take effect from its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXVI.

AN ACT TO INCORPORATE THE CAROLINA STOCK AND POULTRY ASSOCIATION FOR THE IMPROVEMENT OF THE BREED OF ALL DOMESTIC ANIMALS AND POULTRY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dr. Joe Graham, W. R. Myers, Jass. H. Orr, Dr. C. Mills, T. J. Sumner, R. S. McAden, Jno. W. Wadsworth, R. A. F. Torrance, M. W. Ransom, S. B. Alexander, Walter Brem and W. J. Black, of North Carolina, and Thos. G. Bacon, Frank Cox, W. H. Foegeran, M. Whitaker, Johnson Haygood, S. P. Smith, Thos. W. Woodward, M. C. Butler, A. B. Springs and L. D. Childs, of South Carolina, and J. Cooper Nisbet, of Georgia, and their associates and successors, are hereby declared a body corporate in fact and in law, under the name of the Carolina Stock and Poultry Association, for the improvement of the breed of all domestic animals and poultry; by which name it shall have succession, with power to purchase, hold and improve such real estate as may be necessary for the purpose of said association, and to sell and convey the same with all the powers, rights and incidents of a corporation under the laws of the State of North Carolina, and may have a common seal.

Corporate name.

Capital.

SEC. 2. The capital stock of said association shall be ten thousand dollars, to be divided into one hundred shares of one hundred dollars each, to be paid in cash by the stockholders at such time, and in such manner and in such instant as the directors of said association may require, and under

such penalties for neglecting the payment of said instalments as the said directors may prescribe; such shares shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct: *Provided*, That at least thirty days notice shall be given of the time when the shares are required to be paid by publishing the same once in each week in a newspaper published in the city of Charlotte, North Carolina, where the affairs of said corporation are to be conducted.

SEC. 3. The incorporators named in the first section of this act, or a major part of them, shall be commissioners to open books and receive subscriptions to the capital stock of said association at such time or times, and place or places as they shall appoint, giving notice thereof by publishing the same at least three weeks in some newspaper published in the county of Mecklenburg, and as soon as five thousand dollars of the capital stock shall be subscribed the corporation may commence business.

SEC. 4. The affairs of this corporation shall be managed by a board of seven trustees or directors. They shall elect one of their number as president and appoint a treasurer, a secretary and such other officers, agents and servants as may be necessary and useful for conducting the affairs of said corporation, and remove them at pleasure, and may allow them a suitable compensation. A majority of the directors shall constitute a quorum for the transaction of business.

How affairs managed.

SEC. 5. The object of said association shall be to improve the breed of all domestic animals and poultry, and for carrying out the object of this act; the association may hold one or more meetings upon their grounds in each year for the exhibition and trial of such animals as the directors may deem proper, and may offer and give such premiums as they may agree upon for superiority in the object sought for; said association shall have power to let or rent, or lease unto any agricultural, or other societies organized for the purpose contemplated in this act the ground and improvements belonging to said association.

Object of association.

By-laws. SEC. 6. The directors shall have power to make by-laws for the government of said association, and for the management of its business and affairs not inconsistent with the constitutions and laws of the State.

Power of directors. SEC. 7. The directors of said association are hereby authorized to employ as many citizens of this State policemen as may be necessary for their exhibitions, whose duty it shall be to preserve order within and around the grounds of the association, to protect the property within said grounds; to reject all persons who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fee or observe the rules prescribed by the association. Such policemen shall have such power during the time such exhibitions may continue, as a sheriff or constable may have by law in serving criminal process and making arrests, and in addition may arrest any person for the commission of any offence mentioned in the next two sections.

Persons injuring property.

SEC. 8. Any person who shall wilfully injure or destroy the property of exhibitors or of lessees, or of the association, upon the grounds of the association, or who shall hinder or obstruct the officers or police in the performance of their duty, or shall wrongfully or maliciously gain admission to the grounds contrary to the rules of the association, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one nor more than ten dollars, or imprisoned not exceeding thirty days at the discretion of the court before whom the offenders may be tried. All fines imposed and collected under this act, shall be immediately paid to the treasurer of said association for its use and benefit. All policemen appointed by the association shall be paid by the association, and shall make no charges against the town or county for any services they may render.

Spirituous liquors. SEC. 9. The directors of the association shall have power to prevent the sale of spirituous liquors, to suppress all kinds of gaming, and also to regulate or to prevent all kinds of theatrical, circus or mountebank exhibition or shows, a

huckstering or traffic in fruits or goods, wares and merchandise of whatever description for gain on any days of the association's exhibition, as well, within its grounds, as within a distance of one hundred feet therefrom, if in the opinion of said directors such theatrical, circus, or mountebank exhibition or shows, and such huckstering or traffic in fruits, goods, wares and merchandise, shall obstruct or any way interfere with the use of the association's grounds or any of the highway around and approaching the same; and the police appointed by such association shall possess the same power for the space of half a mile from said grounds as are vested in them by law within the same, and shall be under the same contract of the officers of the association within that space, and the same fines and penalties shall be incurred for any violation of the rules and regulations of said associations within half a mile of its grounds, as are by law incurred, for any violation of the rules and regulations within the same.

SEC. 10. S. B. Alexander, Dr. John Graham, Jos. H. Orr and W. H. Myers, of North Carolina, and Frank Cox, W. H. F. ——— and Thos. Bacon, of South Carolina, shall be the first board of trustees or directors to manage the affairs of this association; to hold their office until others are duly chosen and qualified to succeed them. They shall hold an election on the first Monday in August next, and annually in each and every year thereafter, at such place, in the city of Charlotte as they shall appoint by notice, to be published for four weeks immediately preceding, in one of the newspapers, published in said city. Every stockholder shall be entitled to one vote, either in person or by proxy, in each share of stock owned by him. No person shall be eligible to the office of trustee or director who is not a stockholder in the association.

SEC. 11. All vacancies in the office of trustees or directors, by death, resignation or ceasing to hold stock, shall be filled the remaining trustees or directors.

SEC. 12. Each person running a hack or other vehicle, as

a common carrier for transportation of passengers to and from the grounds of said association during its exhibitions, is hereby required to obtain, prior thereto, a license for each vehicle so employed from the board of alderman of the city of Charlotte, which said license as board of alderman are authorized to grant, in which shall be stated the prices for carrying passengers to and from such exhibitions, which prices shall be fixed by board of aldermen, and all such hackmen or other common carriers are hereby prohibited from charging for such services prices exceeding those so fixed, unless in accordance with special contract previously made; any person convicted of a violation of this section shall forfeit, the same, fifty dollars, to be sued for and recovered as penalties for violation of the ordinances of said city are recovered.

Repeal.

SEC. 13. All laws inconsistent with the provisions of this act are hereby repealed so far as relate to this corporation.

When in force.

SEC. 14. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXVII.

AN ACT TO CHARTER THE BANK OF WILSON.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. D. Rountree, R. H. Rountree, A. L. Rountree, Willie Daniel, T. A. Woodard, their present and future associates and successors, are hereby constituted a body politic and corporate by the name and style of the Bank of Wilson, and shall so continue for the term of sixty years, with the capacity to take, hold and convey real and personal estate, and with all the powers and privileges incident to or belonging to corporations as set forth in the first, second and

third sections of the twenty-sixth (26) chapter of the Revised Code of North Carolina, entitled Corporations.

SEC. 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars in shares of one hundred dollars each, and capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding two hundred thousand dollars.

SEC. 3. The corporators in the first section named, or any three of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the due organization of said bank may at their discretion, from time to time, re-open books of subscription to said capital stock until the same be wholly taken.

SEC. 4. Whenever twenty-five thousand dollars shall be subscribed and shall be paid into the capital stock of said bank, the before named corporators, or three or them, shall call a meeting of the subscribers to said stock at such a time and place, and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and vice president to serve during their continuance in office.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be allowed by law, and in general have the privileges confined on corporations by the general laws of the State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Coin, &c.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public and other securities. May purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same, may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same, may discount notes and other evidence of debt, and lend money on such terms as may be allowed by law. It may receive on deposit moneys on terms to be agreed on between the officers and depositors. The bank may receive on deposit money held in trust by administrators, executors, guardians or others, and issue certificates thereof bearing such rates of interest as may be agreed on between the parties, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidence of deposit, signed by the proposed officers of the bank, shall be as binding as under seal of the bank: *Provided*, That no provision in this act shall relieve any executor or administrator or guardian from any responsibility now imposed by law.

Deposits.

Failure to pay.

SEC. 7. If any subscriber shall fail to pay his stock or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed due, and may be recovered in the name of the either by motion to the court of the county where the delinquent may reside, upon giving him two days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash, at the banking house, after advertisement of sale for twenty days' in a newspaper published in the State; and if at such rate the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscribers shall be liable for the deficiency in a civil action.

Assignments.

SEC. 8. If any subscriber shall assign his stock before its full payment he and his assignee and all subsequent as-

signees thereof shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action, and in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the bank as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation, shall have power to prescribe the rules of the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this State, and may regulate the terms and rates in which discounts and loans may be made, and deposits received by the bank, and they shall direct when dividends of profit shall be made, and they may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding, together, one-tenth of the stock may call a special meeting on giving thirty days' notice in a newspaper published in the State; at all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Rules of the conduct of the bank.

SEC. 10. That to aid planters, miners, manufacturers and others, the said bank shall and may have power to advance or loan to a planter, farmer, miner, manufacturer or other person, any sum or sums of money, and to secure the payment of the same, taking in writing a lien or liens on the crop or crops to be raised; even before planting the same or upon the present or prospective products of any mining operations, upon any article or articles then existing, or thereafter to be made, purchased, manufactured or otherwise acquired, and any lien so taken shall be good and effectual in law, provided the same is duly recorded under the existing laws of registrations anterior to all other liens and mortgages, for securing such loans or advances, and the said bank shall have power to make loans upon mortgages

Loans, &c.

of real and personal property with power of sale inserted upon default of payment, and also to receive in storage or warehouse any cotton, wheat, corn or other produce, or any manufactured article whatsoever as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said lien, pledges or mortgages being duly recorded or registered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

When in force

SEC. 11. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXVIII.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SIX OF THE ACTS OF THE GENERAL ASSEMBLY PASSED AT ITS SESSION OF ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE, AND FOR OTHER PURPOSES.

Repeal.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter one hundred and six of the acts of the General Assembly of North Carolina passed at its session of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine, entitled an act to incorporate the Shelby Male and Female Academy, in the county of Cleaveland, ratified the twenty-seventh day of January, one thousand eight hundred and forty-nine be, and the same is hereby repealed.

SEC. 2. That all the rights, powers and privileges granted to and conferred upon Dr. Thomas Williams, C. C. Durham, Dr. E. Jennings, Richard B. Smith, James Love, Lewis Corbett and John R. Logan, their appointees and succes-

sors, as trustees of Shelby Male and Female Academy by the said act, except the power of appointment and to fill vacancies, be and the same are hereby granted to and conferred upon W. P. Love, J. S. Borden, F. L. Hoke, Albert Greene and E. B. Jennings, the commissioners of the town of Shelby, and their successors in office, and for the purposes of this act, three commissioners shall constitute a quorum for the transaction of business. Commissioners.

SEC. 3. That the school committee of township number six, in Cleaveland county, and their successors in office be, and are hereby authorized and required to pay over to the said commissioners and their successors in office annually, by order on the county treasurer or otherwise, a proportion of the public school fund belonging to said township equal to the *per capita* percentage thereof of the white children residing within the corporate limits of the town of Shelby, within school ages, which fund shall be used and appropriated by said commissioners and their successors for the erection of school buildings and the advancement of education, and for the free and equal benefit of all white children within school ages in said town. School committee.

SEC. 4. That the commissioners of the town of Shelby are hereby authorized to use and appropriate the funds arising from the sale of the materials of the old academy, together with such funds as may be received from contributions and other sources, to the erection of a new academy within the corporate limits of said town: *Provided*, That said building shall not cost exceeding one thousand dollars. Commissioners to appropriate funds.

SEC. 5. This act shall be in force from and after its ratification. Proviso.

Ratified the 16th day of Febrnary, A. D. 1874. When in force.

CHAPTER CIX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
 “THE FALLS OF NEUSE MANUFACTURING COMPANY,” RATIFIED
 THE FIFTH DAY OF JANUARY, ANNO DOMINI ONE THOUSAND
 EIGHT HUNDRED AND SEVENTY-TWO.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled “an act to incorporate the Falls of Neuse Manufacturing Company,” ratified the fifth day of January, Anno Domini one thousand eight hundred and seventy-two, be and the same is hereby amended so as to empower and authorize the said company to carry on its business and exercise and use all its corporate rights and privileges at such other place or places in the State of North Carolina, besides the falls of Neuse river, in the county of Wake, as said company may elect.

Additional powers.

SEC. 2. That in addition to the powers, rights and privileges conferred and vested in the Falls of Neuse Manufacturing Company, there shall be, and by this act is hereby conferred upon and vested in the said Falls of Neuse Manufacturing Company all the powers, rights and privileges which are conferred upon and vested in the Lockville Locomotive and Car Company by the act entitled “an act to incorporate the Lockville Locomotive and Car Company,” ratified the third day of March, one thousand eight hundred and seventy-three.

When in force:

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXX.

AN ACT TO EMPOWER THE CITY OF WILMINGTON TO SUBSCRIBE TO THE SPECIAL STOCK OF THE WILMINGTON AND SEASIDE RAILROAD COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Election.
enact, That the board of aldermen of the city of Wilmington is hereby authorized and empowered to cause an election to be held at the different places at which the polls for the election of the aldermen of said city are usually opened, for the purpose of ascertaining by a vote of the qualified voters residing in said city, whether a subscription to the amount of ten thousand dollars shall be made in behalf of said city to the special stock of the Wilmington and Seaside Railroad Company. At any such election all persons qualified to vote for aldermen of said city shall be entitled to vote, and the same rules, regulations and penalties provided by law in reference to elections of aldermen of said city shall be applicable to the election authorized by this act.

SEC. 2. At such election all such voters as may be in favor Voters.
of the said subscription shall vote a ballot on which shall be written or printed the word "subscription," and such voters as may be opposed to such subscription shall vote a ballot on which the word "no subscription" shall be written or printed.

SEC. 3. If a majority of the qualified voters of said city, Majority
as ascertained at any election held under the previous provisions of this act, shall be in favor of said subscription, it shall be lawful for the board of aldermen of said city to direct the mayor of said city to subscribe, in the name and in behalf of said city, the sum of ten thousand dollars to the special stock of the Wilmington and Seaside Railroad Company, and for the purpose of meeting the requisite payments on account of such subscription, the board of aldermen of said city are hereby empowered to put the bonds of

said city for such several amounts in such form and payable at such time or times as may be deemed best, the aggregate amount of the principal money of the same not to exceed the said sum of ten thousand dollars, and bonds so to be issued shall be obligatory on said city, and board of aldermen of said city shall, from year to year, lay, assess, levy and collect from the real and personal property, and from the polls within said city, a sufficient sum annually to meet the payment of the interest to accrue on such bonds and to provide for the ultimate payment of the principal money of the same.

When in force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D., 1874.

CHAPTER CXXI.

AN ACT TO INCORPORATE THE TOWN OF SHOE HEEL IN THE COUNTY OF ROBESON.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Shoe Heel, in the county of Robeson, be and the same is hereby incorporated by the name and style of the town of Shoe Heel, and shall be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal not inconsistent with the laws of the United States or the constitution thereof.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the intersection of the road from Campbell's bridge to Shoe Heel with the Carolina Central Railway line or track, in the town of Shoe Heel; thence one-half mile in any direction that may be necessary, so as to make a square figure of the plan of the town. And it shall be the duty of the sheriff of Robeson county or of any

justice of the peace, in that township in which Shoe Heel is, within forty days from the ratification of this act, and upon giving ten days' notice, by advertising at the depot building and two other public places in the proposed limits, to open the polls for the election of a mayor and three commissioners and constable, who, when elected, shall be the officers of the corporation, and said election shall be conducted and held under such restrictions and regulations as are prescribed in the general municipal election laws.

SEC. 3. It shall not be lawful for the board of commissioners of Robeson county to grant license to any person to retail spirituous liquors within the corporate limits of Shoe Heel, without his having a recommendation therefor in writing from the mayor and commissioners of said town to that effect, and any license granted without such recommendation shall be void. It shall be the duty of the commissioners to meet, organize, take and subscribe the following oath: I, A. B., do swear that I will faithfully act as commissioner to the best of my knowledge and ability so long as I shall hold the office; so help me God. Such commissioners shall have power to pass all needful by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this State or of the United States, and the commissioners shall have power to levy and collect a tax not to exceed fifty cents on the poll, and not to exceed sixteen and two-thirds cents on property to the value of one hundred dollars; and the power of the commissioners for the purpose of taxation within the limits above prescribed, shall be as full and ample as the powers of the county commissioners for county purposes, and the said corporate commissioners shall have power to tax all subjects of State taxation within the corporate limits to an amount not to exceed one-half of the State tax, and also shall have power to tax dogs and abate all nuisances, and may impose such fines as may be necessary to abate them. It shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and sidewalks and in

Spirituous liquors.

Oath.

By-laws.

Taxation.

keeping them in good order, and to exempt persons within the corporate limits from working on the public roads, and they shall open and keep up all necessary drains and ditches and lay off streets and lots, and do all things necessary for carrying into effect the powers herein granted either expressly or impliedly. The commissioners, when organized, shall have power to appoint a secretary, whose duty it shall be to record the proceedings in a book to be kept for that purpose, and also appoint a treasurer, who shall enter into bond with good and sufficient sureties, to be approved by the commissioners. Said bond to be in such sum as the commissioners shall deem necessary, but always shall be sufficient to cover double the amount of taxes that may be levied and collected in any one year, and it shall also be the duty of the commissioners to require the constable elect to enter into bond in the sum of five hundred dollars with good and sufficient sureties, conditioned as is usual for the bonds of constables, payable to the State of North Carolina, and to be approved by the commissioners. All parts of an act, entitled an act touching the sale of spirituous liquors in certain localities, ratified the third day of March, one thousand eight hundred and seventy-three, in regard to Shoe Heel be and the same are hereby repealed. And the commissioners shall have power to change the name of the corporation from that indicated in this act: *Provided*, The change be made within twelve months from the organization under this act.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

Streets.

Repeal.

When in force

CHAPTER CXXII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF RALEIGH TO OPEN A STREET ACROSS THE SOUTH END OF THE LOT UPON WHICH THE GOVERNOR'S MANSION IS NOW SITUATED.

SECTION 1. *The General Assembly of North Carolina do* Open Street.
enact, That the commissioners of the city of Raleigh are hereby authorized and empowered to open a street forty feet wide across the south end of the lot upon which the Governor's Mansion is now situated: *Provided*, The aforesaid commissioners will first agree to enclose the property on both sides of said street with a good plank fence and move such buildings as are now on the grounds over which said street may run, and place them in good repair on another side to be designated by the Treasurer: *Provided, further*, That the aforesaid commissioners of the city of Raleigh, before commencing the work, do file a bond with good approved security for the sum of one thousand dollars for the faithful performance of the aforesaid work, said bond to be filed with and approved by the State Treasurer.

SEC. 2. That this act shall be in force from and after its When in force.
 ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXIII.

AN ACT TO INCORPORATE THE CAPE FEAR COTTON AND WOOLEN MILLS.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, The following named persons, viz.: P. F. Brennan,

George G. Lobdell, Jr., John Hase, M. G. Harmon and L. R. Exline, their associates, successors and assigns, are constituted a corporation under the name of the "Cape Fear Cotton and Woolen Mills," with a capital stock of one hundred thousand dollars, with liberty to increase the same from time to time to any sum or sums not exceeding two millions of dollars, to be divided into shares of one hundred dollars each, and to have the privileges specially granted and also those conferred by the twenty-sixth chapter of "Battle's Revisal," entitled "corporations."

Officers.

SEC. 2. The stockholders of said corporation shall have power to elect such officers as they may deem fit, prescribe their duties and terms of service, and in general make by-laws for the government and proper conduct of the corporation and its business not inconsistent with the public laws of this State or the United States.

Cotton, wool and other fabrics.

SEC. 3. The said corporation shall have power to carry on the business of manufacturing and selling cotton, woolen and other fabrics, and to engage in any manufacturing enterprise in aid of said business. It may likewise make and operate rail, turnpike, tram or other roads, all or either of them, for the purpose of connecting its works with other roads or navigation works, and to that end it shall have powers of condemnation of land and other property and other powers conferred on railroads and other companies by the sixty-second chapter of Battle's Revisal, entitled "internal improvements." It may purchase, hold, sell and lease, or otherwise convey real estate, convenient and proper for the transaction of its business, and incidentally thereto may buy and sell merchandise.

When in force.

SEC. 4. This act shall take effect from its ratification.
Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXIV.

AN ACT TO AMEND THE CHARTER OF TRINITY COLLEGE.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That any violation of sections fifth and sixth of "an act to amend the charter of Normal College," ratified February sixteenth, one thousand eight hundred and fifty-nine, or any part of said sections, shall be within the jurisdiction of the chief magistrate of the town of Trinity or of any magistrate in the township where the offence is committed, and may be prosecuted upon the information of any person.

SEC. 2. The penalties for the violation of said sections or Fines, &c.
 any part thereof shall be fine or imprisonment at the discretion of the magistrate; the fine not to exceed fifty dollars and the imprisonment in no case to be more than one month.

SEC. 3. This act shall be in force from and after its ratifi- When in force.
 cation.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXV.

AN ACT TO INCORPORATE THE HALIFAX EDUCATIONAL ASSOCIATION, OF HALIFAX COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Henry Eppes, Robt. Knight, Shade Johnson, Godfrey, Eppes, Andrew Jackson, George Eppes and J. H. Hamman are hereby constituted a body politic and corporate, under the name and style of the Trustees of the Halifax Educational Association, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of such real

and personal property and money as may be needful for establishing and carrying on an institution for educational purposes in Halifax county, and have all the other rights and powers usually pertaining to corporations created for similar purposes.

Trustees.

SEC. 2. That the said trustees, or a majority of them, shall have power to fill all vacancies which may occur in their number for any cause and to pass such laws and regulations as shall be necessary for the government and good morals of the said institution.

When in force.

SEC. 3. This act shall be in force from and after its ratification

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXVI.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter twenty-eight of the private laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended as follows: strike out "North Carolina Manufacturing Loan and Trust Company" whenever it occurs in said chapter and insert *Albemarle Bank of Elizabeth City, North Carolina.*

When in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXVII.

AN ACT TO AMEND AN ACT PASSED DURING THE PRESENT SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, ENTITLED AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN OF CONCORD, IN THE COUNTY OF CABARRUS.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That section one of an act passed at the present session of this General Assembly, entitled an act to amend an act to incorporate the town of Concord, in the county of Cabarrus, be amended by inserting between the words "sixteen" and "be" in the second line of the first section of said act the words, of an act entitled an act to incorporate the town of Concord, in the county of Cabarrus, chapter three hundred and twenty-nine (329), ratified the twenty-eighth day of January, one thousand eight hundred and fifty-one.

SEC. 2. That said act of one thousand eight hundred and fifty-one be amended by inserting after the word "jail" Further amend-
 wherever it occurs or "calaboose." ment.

SEC. 3. This act shall take effect from and after its rati- When in force.
 fication.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE PEOPLE'S BUILDING AND LOAN ASSOCIATION, OF OXFORD, RATIFIED THE TWENTY-NINTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That the said act be amended by adding to the eighth

section thereof the following proviso: *And provided further*, That the said association shall be, and they are hereby authorized and empowered to establish one or more additional class or classes of shares under such rules and regulations and restrictions for issuing, paying and redeeming the same, as to them shall appear expedient and proper.

When in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXIX.

AN ACT TO INCORPORATE JUSTITIA LODGE, NUMBER ELEVEN,
KNIGHTS OF PYTHIAS, OF GOLDSBORO, NORTH CAROLINA.

porators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Isaac F. Dortch, A. K. Smedes, E. Griswold, Charles Denay, Jr., H. L. Grant, J. E. Mann and A. B. Hollowell, and their associates and successors, are hereby incorporated a body politic and corporate under the name and style of "Justitia Lodge, number eleven;" and by that name and style may have succession and a common seal, may sue and be sued, plead and be impleaded in any court of record or before a justice of the peace, contract and be contracted with, acquire, hold and dispose of personal property, and such real estate as may be necessary for convenience and transaction of the business of said lodge.

SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its own government not inconsistent with the constitution of this State or of the United States.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
THE TOWN OF ASHBORO, IN THE COUNTY OF RANDOLPH.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That chapter forty-three of the private laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three be amended by adding the following section after section seven: That it shall be unlawful for any person or persons to sell or give away any intoxicating liquors, Plantation, Hostetter's, Regeneration Bitters or Schiedam Schnapps in any way or in any quantity so as to receive any compensation for the same, either directly or indirectly (except it be on the prescription of a physician), within the corporate limits of said town, and if any person shall violate this provision of this act he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each and every offence.

SEC. 2. That this act shall be in force from and after its When in force.
ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXI.

AN ACT IN RELATION TO THE TOWN OF CLAYTON, IN THE COUNTY
OF JOHNSTON.

SECTION 1. *The General Assembly of North Carolina do* Corporate limits
extended.
enact, That the corporate limits of the town of Clayton, in the county of Johnston, shall be as follows: beginning at a rock on the lands of B. Horn, runs south forty-five, west

thirty-seven chains to a stake on the lands of J. F. Ellington; thence south forty-five degrees, east eighty-two chains, to a stake on the lands of Harry Dunham; thence north forty-five degrees, east thirty-seven chains, to a stake on the lands of Col. Heck; thence forty-five degrees, west eighty-two chains to the beginning.

Taxation.

SEC. 2. That taxation in said town of Clayton for town purposes shall not exceed sixteen and two-thirds cents on the hundred dollars valuation of real and personal property, and fifty cents on the poll, in any one year.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXII.

AN ACT TO INCORPORATE THE TOWN OF VANDEMERE, IN THE COUNTY OF PAMLICO.

Body politic.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Vandemere, in the county of Pamlico, be, and the same hereby is incorporated by the name and style of the town of Vandemere, and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: beginning at the south east corner of Abbott & Co.'s mill, running north sixty-five degrees, west two hundred poles; thence south twenty-six degrees, west to Smith's creek; then with said creek to Bay river; then with Bay river to the beginning.

Officers.

SEC. 3. That the officers of the said incorporation shall consist of a mayor and four commissioners, who shall be annually elected as provided by law.

SEC. 4. This act shall be in force from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXIII.

AN ACT TO INCORPORATE THE TOWN OF LEAKSVILLE, IN ROCK- INGHAM COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Leaksville, in the county of Rockingham, be and the same is hereby incorporated by the name and style of the town of Leaksville. Body politic.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of the first branch above the Leaksville bridge, on Dan river, thence with said river to the mouth of the fourth branch above said bridge; thence with said branch to the Episcopal parsonage lot; thence in a straight line to the male academy spring; thence with said spring branch to the beginning. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-four: Mayor, James P. Dillard; commissioners, D. P. King, Wm. A. Tretwell and W. S. Martin; constable, J. R. Stephens. Officers.

SEC. 4. That an election shall be held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and seventy-four, and each succeeding year thereafter, under the same restrictions that State and county elections are held, and all citizens within said corporation who have resided twelve months in the State and sixty days in

the corporate limits previous to the day of election shall be entitled to vote at said election.

Voters. SEC. 5. That all male persons over twenty-one years of age who own property in the said town of Leaksville shall be allowed to vote in said election.

Rules for govern-
ment.

SEC. 6. That said corporation shall be subject to and governed by the provisions contained in chapter one hundred and eleven, Revised Code, or so much of said chapter as does not conflict with the constitution of the State or the United States.

Oath.

SEC. 7. That the officers appointed under this act may, at any time after its ratification, take upon themselves, by taking the required oath of office before any justice of the peace of said county, all the duties imposed by this act.

Taxes.

SEC. 8. That in no case shall the tax levied under the provisions of this act exceed one-fifth of one per cent., and the constitutional equation shall always be preserved between property and poll.

When in force.

SEC. 2. That this act shall be in force from its ratification. Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXIV.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO'.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, It shall be lawful for the municipal authorities of the town of Tarboro' to prevent the storing of guano and other fertilizers within the corporate limits of said town.

Power to force
regulations.

SEC. 2. The municipal authorities of said town shall have power to enforce any regulations, by-laws or municipal ordinance which they may adopt for the prevention of the storage of guano or other fertilizers by fine and imprison-

ment of parties violating the same, or treating the same as a nuisance.

SEC. 3. This act shall take effect from and after its ratification. When in force.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXV.

AN ACT TO INCORPORATE LEOTA LODGE, IN COLUMBIA, TYRRELL COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That H. E. Wolfe, Sr., Ephraim Leigh, Benj. F. Sikes, Jos. A. Spruill, Thos. Spruill, N. E. Owens, H. E. Wolfe, Jr., Arthur Spruill, Thomas Howitt, Stephen E. Etheridge, Wm. R. Spruill, Enoch Basnight, James J. Hayman and William E. Alexander, and the Noble Grand and other officers and members of Leota Lodge, number seventy-two, of the Independent Order of Odd Fellows, located in the town of Columbia, in the county of Tyrrell, be and they are hereby incorporated into a body politic and corporate under the name and title of "Leota Lodge, number seventy-two, Independent Order of Odd Fellows," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record or before any justice of the peace in said State, contract and be contracted with, acquire, hold and dispose of real or personal property for the benefit of said lodge or its members, and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporations.

SEC. 2. The said corporation shall have power to pass necessary by-laws and regulations for its own government which By-laws. may not be inconsistent with the constitution and laws of the United States.

When in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

CHAPTER CXXXVI.

AN ACT TO INCORPORATE THE FARMERS, MECHANICS AND LABORERS' AID UNION ASSOCIATION, OF NEW HANOVER COUNTY.

Preamble.

WHEREAS, Divers citizens of New Hanover county have united themselves in an association known as the Farmers, Mechanics and Laborers' Union Aid Association, for the purpose of facilitating and procuring of homesteads, and buying land for the same, or aiding the interest of farmers, mechanics and laborers in said county; therefore,

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Richard Graves, Charles Fay, Henderson Lafton, Melton Hansley, Fred. Hansley, Benj. Brown, Wm. Nixon, Henry Vick, Jonah Nixon, Marcus Sedley, Rob't Nixon, Enoch Green, Dan'l Fay, Ben. H. George, Prince Nixon, Fennel Redrick, George Hill, John Alexander, Andrew Nixon, Thomas Nixon and Alfred Lloyd, and all other persons who may hereafter be associated with them, and their assigns hereby constitute a body politic and corporate in name and style of the Farmers, Mechanics and Laborers' Union Aid Association, of New Hanover county; by that name they and their associates and successors shall and may have continual succession and a common seal, which they may alter and change at their pleasure, and shall be capable of suing and being sued, of pleading and being impleading, of defending and being defended in any court of the State, and by the corporate name aforesaid, shall and may be capable of purchasing, holding and conveying, and every estate real and personal, necessary to a safe, useful and profitable invest-

ment and re-investment of the funds belonging to the said association, and the convenient and proper transaction of its business.

SEC. 2. The property, business and affairs of said association shall be managed and controlled by a board of directors and by such officers and agents as said board may deem necessary to appoint. The board of directors shall consist of not less than five nor more than nine members, a majority of whom shall at all times be a quorum unless the by-laws should prescribe for special purposes a greater or smaller number. That said board of directors shall be annually elected by the stockholders at such time and place and in such manner and by such rates as may from time to time be prescribed by the by-laws: *Provided*, That the present board of directors and the officers by them and said association heretofore appointed, shall continue in office until their successors are regularly elected and installed. Should a vacancy occur in said board by death, resignation or otherwise, such vacancy may be filled by a quorum of the remaining directors, or in such other manner as the by-laws of the association may prescribe.

Affairs to be controlled by a board of directors.

SEC. 3. That the board of directors shall have power to prescribe and make such by-laws, rules and regulations for their own government and for the government of the affairs, agents and members of the association as to them shall appear needful and proper for the management, investment and disposition of the funds, property, estates and effects of said association, and for the regulation and management of all and every matter necessary to execute the powers as any of them granted by this act, and in every manner appertaining to the business thereof; to fix and prescribe the amounts of assessments on shares, the modes and times of paying the same; to fix the fines and forfeitures for the non-payment, and to make all necessary rules and regulations in any manner relating to the payment, redemptions, assignments and forfeitures of said shares: *Provided*, Such by-laws, rules and regulations, and any and all alterations and amendments

By-laws.

thereof shall be submitted to the shareholders in regular meeting, and adopted by them.

Officers.

SEC. 4. That said board of directors shall have power to elect and appoint all such officers, agents and servants as the business of the association requires; to fix the compensations and prescribe the duties of such officers, agents and servants, and for good cause remove them, and to take such bonds from any of such officers and other persons as they may at any time prescribe: *Provided*, That the members of said association do not, at the regular annual meeting, elect or appoint such officers, agents and servants, and to execute any or all the other powers concerning them herein granted to said board: *Provided further*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States and this State.

Voters.

SEC. 5. That the members of said association shall consist of those who own one or more shares, and shall be entitled to vote in all actions and at all meetings of the stockholders, in person or by written proxy, in such manner and under such rules, regulations and restrictions as may be prescribed in the laws. The ultimate or par value of each share shall be two hundred dollars, and the number of shares composing or to compose any one class may be prescribed and limited as the association at a regular meeting of the share holders may direct, and if, in the opinion of the share holders, the wants of the community require it, said association shall be and they are hereby authorized and empowered to establish one or more additional class or classes of shares under such regulations and restrictions for issuing, paying and redeeming the same as to them shall appear expedient and proper from time to time, to declare such dividend or dividends on the shares of each class as the business of the association justifies and as they may deem to the interest of the shareholders.

Contracts

SEC. 6. That all contracts and agreements heretofore made and entered into by said association or by the properly constituted officers there of, now existing and in force, and all

deeds, bonds and notes, mortgages and other securities, taken by said association for securing the payment of money advanced or for other purposes, and all assignments and redemptions of shares heretofore made and declared to be legal and of full force and effect, and said association, by the corporate name, may collect such bonds, notes and other securities, and compel the execution of all such contracts and agreements, by suit or otherwise, in the same manner and to the same extent as if said association had been incorporated heretofore, and by that name may collect such bonds, notes and other securities and compel the execution of all such contracts and agreements, by suit or otherwise, in the same manner and to the same extent as if said association had been incorporated when the same were made and entered into, and may collect all fines, dues and forfeitures owing and unpaid, and any and all others to be hereafter owing and unpaid, in such manner as is provided for in the by-laws.

SEC. 7. That minors and *feme covert*s may take shares of stock for their own separate use, which shares shall be free from all debts or contracts of the husband.

Minors and feme
coverts.

SEC. 8. The capital stock of this corporation shall not be less than ten thousand or more than twenty-five thousand dollars, and shall be divided into shares of five dollars each, or as the association may agree on.

Capital.

SEC. 9. This act shall be in force from and after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
AT ITS
SESSION OF 1873-'74.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SESSION OF 1873-'74.

RESOLUTION CONCERNING THE REPORT OF THE SUPERINTEN-
DENT OF PUBLIC INSTRUCTION.

Resolved, the House of Representatives concurring, That Print two hundred copies.
two hundred copies of the report of the Superintendent of
Public Instruction be published annually for distribution by
him.

Ratified this 25th day of November, A. D. 1873.

RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS.

WHEREAS, The practical workings of the Internal Revenue laws of the United States in their present form are prejudicial to the best interests of the people in many localities in this State; *and whereas*, the rigorous efforts now being made by revenue officers to enforce these laws are creating

Preamble.

much discontent and confusion among the people; *and whereas*, the enforcement of the laws is not only arousing prejudice among our citizens, but is absolutely alienating the hearts of the people from the government itself; *and whereas*, the execution of such laws has not only been a fruitful source in producing the evils herein specified, but in various sections of the State has cost the government more than double the amount of the revenue derived from such source; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That our Senators and Representatives in Congress are hereby earnestly requested to use their utmost influence to have the aforesaid laws so modified as to render them less expensive to the government and less oppressive to the people of these United States.

Secretary of State
to furnish copies.

Resolved further, That the Secretary of State is hereby directed to furnish each of our Senators and Representatives in Congress with a copy of these resolutions as soon as practicable.

Ratified this 2d day of December, A. D. 1873.

RESOLUTION IN FAVOR OF THE SHERIFF OF BLADEN COUNTY.

Relieved on making
certain payments.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring*, That the sheriff of Bladen county, upon payment of one thousand dollars into the State treasury on the first Monday in December, one thousand eight hundred and seventy-three, and the residue of one-half of all the State taxes due from said county on the first day of January, one thousand eight hundred and seventy-four, and the remaining half of said taxes on the first day of February, one thousand eight hundred and seventy-four, then and in that case the said sheriff shall be relieved from all penalties and forfeitures

now imposed by law for failing to settle his State tax account with the Auditor and not otherwise.

SEC. 2. This resolution to take effect from its ratification. When in force,
Ratified this 3d day of December, A. D. 1873.

RESOLUTION CONCERNING THE FLAG PRESENTED BY THE LADIES OF RALEIGH TO THE MEXICAN VOLUNTEERS TO THE MEXICAN WAR FROM NORTH CAROLINA.

Resolved by the General Assembly of North Carolina, Authorizing return of flag to mexican war veterans.
That the Adjutant General be and he is hereby required to deliver to the regularly authorized agent of the organization known as the Mexican War Veterans, the flag now in his possession, which was presented by the ladies of Raleigh to the regiment of volunteers from North Carolina, enlisted for the war in Mexico: *Provided*, Proper guarantees are furnished the Adjutant General that said flag will be returned to the State upon the dissolution of said organization. Proviso.

Ratified this 8th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF J. M. YOUNG, SHERIFF OF BUNCOMBE COUNTY.

Resolved by the General Assembly of North Carolina, Time extended to first January 1874.
That James M. Young, sheriff of Buncombe county, be and he is hereby allowed till the first day of January, one thousand eight hundred and seventy-four, to settle his taxes with Public Treasurer, and that he be relieved from all fines and penalties and costs incurred by reason of his failure to settle as required by law.

When in force.

This resolution shall go into effect immediately after its ratification.

Ratified this 9th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF B. F. WILLEY, SHERIFF OF GATES COUNTY.

Time extended to January first, 1874.

SECTION 1. *Resolved by the General Assembly of North Carolina*, That B. F. Willey, sheriff of Gates county, be allowed until the first day of January, one thousand eight hundred and seventy-four, to settle the taxes due the State of North Carolina with the Public Treasurer for the year one thousand eight hundred and seventy-three, and that he be released from all fines, penalties and forfeitures which may have been incurred by reason of his failure to settle as now provided by law.

When in force.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this 9th day of December, A. D. 1873.

RESOLUTION ON THE SUBJECT OF THE INCREASE OF PAY OF SENATORS AND REPRESENTATIVES.

Relating to back pay.

1. *Resolved*, That the action of the forty-second Congress in its closing hours, by which the pay of Senators and Representatives was increased twenty-five hundred dollars per annum, and said increase made to relate to the first day of the term of said Congress, was indefensible on principle and tended to bring our government into disrepute.

Executive a party.

2. That the Executive of the Nation in approving the measure made himself a party to the wrong.

3. That the most fitting reparation which can be made by Reparation:
Congress for the injury and wrong complained of, is a
prompt recognition of that injury and wrong, and the imme-
diate repeal of the law.

Ratified this 10th day of December, A. D. 1873.

RESOLUTION IN RELATION TO THE UNITED STATES COURT HOUSE
AND POST OFFICE TO BE BUILT IN RALEIGH, NORTH CAROLINA.

WHEREAS, It appears that the chief architect of the Uni- Preamble:
ted States in his report to Congress recommends that the
United States court house and post office to be erected in
Raleigh be built of pressed brick; *and, whereas,* there are
numerous and inexhaustible stone quarries, both of granite
and sandstone, in this State that can be procured at reason-
able prices:

Resolved by the General Assembly of North Carolina, Requested to urge
stone work.
That our Senators and Representatives in Congress be in-
structed and requested to exercise their efforts with the au-
thorities of the government at Washington to have the said
court house and post office built of stone.

Ratified this 11th day of December, A. D. 1873.

RESOLUTION AUTHORIZING THE AUDITOR TO ISSUE A DUPLICATE
WARRANT FOR ONE HUNDRED AND EIGHTY-FOUR DOLLARS TO
THE COUNTY TREASURER OF SWAIN COUNTY.

WHEREAS, A warrant for the sum of one hundred and Preamble.
eighty-four dollars was issued to Birch McHan, treasurer of
Swain county, dated February 26th, A. D. 1873, which
said warrant was signed by John Reilly, Auditor, and came

to the hands of the aforesaid Birch McHan, and was by him endorsed in blank; *and, whereas*, said warrant thus endorsed was soon after its endorsement sent by mail to the State Treasurer, and the same has been lost; therefore,

Duplicate authorized.

SECTION 1. *Resolved*, That the Auditor of State is hereby authorized and directed to issue a duplicate warrant for the sum of one hundred and eighty-four dollars to Birch McHan, treasurer of Swain county, to be accounted for by him in settlement as treasurer of said county, specifying in the same that it is issued in lieu of the said warrant above specified, being number forty; the said Birch McHan, or some one in his behalf, giving a bond of indemnity to the Auditor of the State in the sum of three hundred and sixty-eight dollars.

When in force.

SEC. 2. That this resolution shall take effect from and after its ratification.

Ratified this 13th day of December, A. D. 1873.

JOINT RESOLUTION CONCERNING THE FEDERAL TAX ON COTTON IN THE YEARS ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

Preamble.

WHEREAS, The tax upon cotton levied and collected by the government of the United States during the years one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-six, one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight was oppressive to the people of North Carolina, in that it was a direct tax upon industry; *and whereas*, we believe it to be the policy of the national government to promote the agricultural interest of the country and protect industry, for which purpose agricultural productions have uniformly been

considered exempt from taxation; *and whereas*, the tax on cotton was an unequal one, in that it could apply only to a minority of the States of the Union, and those the most destitute and needy of federal protection; therefore,

1. *Be it resolved by the Senate, the House of Representatives concurring*, That our Senators and Representatives in the Congress of the United States be respectfully requested to use their influence to have a law passed by Congress refunding the tax heretofore levied and collected upon cotton for the years one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-six, one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight, to the owner at the time said tax was assessed and to the producer of cotton since said tax was levied and collected. Urge the refunding of tax.

2. *Resolved further*, That the Governor be requested to cause copies of the foregoing resolution to be transmitted to each of our Senators and Representatives in the Congress of the United States. Governor to send copies.

3. *Resolved further*, That these resolutions take effect from and after their ratification. When in force.

Ratified this 13th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF JAMES H. ENNISS, AGENT.

1. *Resolved by the House of Representatives, the Senate concurring*, That the Public Treasurer pay to James H. Enniss, agent, publisher and bookseller, the sum of fifteen dollars for five dozen glass inkstands for the use of House of Representatives during the session one thousand eight hundred and seventy-three. Treasurer to pay \$15.

2. This resolution shall be in force from and after its ratification. When in force.

Ratified this 15th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF W. H. MORRISS & COMPANY.

Treasurer to pay
\$20.

1. *Resolved by the House of Representatives, the Senate concurring*, That the Public Treasurer pay to W. H. Morriss & Company the sum of twenty dollars for one office chair and six wooden chairs, for the use of the House of Representatives during the session of one thousand eight hundred and seventy-three.

When in force:

2. This resolution shall be in force from and after its ratification.

Ratified this 15th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF JAS. H. ENNISS.

Treasurer to pay
\$27.50.

Resolved by the General Assembly of North Carolina, That the Public Treasurer be instructed to pay Jas. H. Enniss the sum of twenty-seven dollars and sixty cents for stationery purchased by the House of Representatives.

Ratified this 15th day of December, A. D. 1873.

RESOLUTION INSTRUCTING THE SECRETARY OF STATE TO ISSUE A
GRANT TO A. W. BELL, OF MACON COUNTY.Secretary to issue
grants.

1. *Resolved by the House of Representatives, the Senate concurring*, That the Secretary of State be and he is hereby instructed to issue a grant to A. W. Bell for fifty (50) acres of land, as shown per entry number nine thousand seven hundred and twenty-nine, and the plats accompanying the same, being a part of the lands acquired by treaty from the Cherokee Indians.

2. This resolution to be in force from and after its ratification. When in force.

• Ratified this 18th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF HON. J. L. HENRY.

WHEREAS, The Supreme Court of North Carolina, at its Preamble.
January term, Anno Domini one thousand eight hundred and seventy-three, in the petition of Hon. J. L. Henry, a judge of the Superior Courts of North Carolina, against the State of North Carolina, for compensation for holding certain courts of oyer and terminer in said State, recommended to the General Assembly of North Carolina that he be paid the sum of three hundred and fifty dollars for said services and be indemnified against the costs of his said petition, which said costs amount to thirty dollars; therefore,

SECTION 1. *The General Assembly of North Carolina do* Auditor to issue warrant.
resolve, That the Auditor be and he is hereby directed and required to audit the claim of the Hon. J. L. Henry against the State for the sum of three hundred and fifty dollars, and the further sum of thirty dollars for costs of his said petition against the State, and the Treasurer of the State is hereby instructed and directed to pay the same.

SEC. 2. This resolution shall be in force from and after its When in force.
ratification.

Ratified this 18th day of December, A. D. 1873.

RESOLUTION IN FAVOR OF J. H. ENNISS.

1. *Resolved by the Senate, the House of Representatives* Authorizing payment of \$83.15.
concurring, That the Public Treasurer is hereby authorized

to pay James H. Enniss eighty-three dollars and fifteen cents out of any moneys in the treasury not otherwise appropriated.

When in force.

2. This resolution shall take effect immediately upon its ratification.

Ratified this 22nd day of December, A. D. 1873.

RESOLUTION OF INSTRUCTION TO NORTH CAROLINA SENATORS
AND REPRESENTATIVES IN CONGRESS.

To use influence
against increase of
tax.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring*, That our Senators and Representatives in Congress be requested to use their influence to prevent an increased tax on manufactured tobacco.

When in force.

SEC. 2. That this resolution be in force from and after its ratification.

Ratified this 22d of December, A. D. 1873.

RESOLUTION TO LEGALIZE CERTAIN ACTS OF ENTRY TAKERS.

Preamble.

WHEREAS, During the session of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, a bill passed the House of Representatives making the entry takers of the counties of Clay, Cherokee, Macon, Graham, Swain, Jackson and Haywood, *ex officio* county agents of their respective counties; *and, whereas*, under the impression that said bill passed the Senate during said session and became a law, certain entry takers proceeded to perform certain acts as *ex officio* county agents which are invalid; therefore,

Resolved by the Senate, the House of Representatives concurring, That the acts of the entry takers aforesaid as *ex officio* county agents, are hereby declared to be good and effectual in law. Acts of entry takers validated.

This resolution shall be in force from and after its passage. When in force.
Ratified this 21st day of January, A. D. 1874.

RESOLUTION OF INSTRUCTION TO THE AUDITOR OF THIS STATE.

SECTION 1. *The General Assembly of North Carolina do resolve,* That the Auditor of this State be instructed in making out the tax list to add another column to be designated as goods, wares and merchandise. Another column added to tax lists.

SEC. 2. That this resolution shall be in force from and after its ratification. When in force.

Ratified this 24th day of January, A. D. 1874.

RESOLUTION IN FAVOR OF P. M'GOWAN.

1. *Resolved by the House of Representatives, the Senate concurring,* That the Treasurer of the State be and he is hereby directed to pay Patrick McGowan the sum of seventy-two dollars and twenty cents for expenditures made by him while acting as Keeper of the Capitol and public grounds. Allows \$72.20.

2. This resolution shall be in force from its ratification. When in force.

Ratified this 27th day of January, A. D. 1874.

RESOLUTION IN FAVOR OF JOSIAH TURNER, JR.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That the Public Treasurer be and he is hereby authorized and instructed to pay to Josiah Turner, Jr., the sum of one hundred and one dollars and fifty-eight cents (\$101.58), out of moneys in the treasury not otherwise appropriated, being the amount due the said Turner for public printing.

SEC. 2. That this resolution shall take effect from and after its ratification.

Ratified this 29th day of January, A. D. 1874.

RESOLUTION IN FAVOR OF JOSIAH TURNER, JR.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That the Public Treasurer be and he is hereby authorized and directed to pay Josiah Turner, Jr., out of any moneys in the treasury not otherwise appropriated, the sum of five hundred and twenty-six dollars and sixty cents (\$526.60), for public printing.

SEC. 2. That this resolution shall take effect from its ratification.

Ratified this 7th day of February, A. D. 1874.

RESOLUTION IN REGARD TO THE PRESERVATION OF CERTAIN
IMPORTANT MANUSCRIPTS BELONGING TO THE STATE.

PREAMBLE. WHEREAS, The original manuscripts of the public and private acts and resolutions of the General Assembly of the

Allows \$526.60,

When in force.

Preamble.

State of North Carolina, ordered to be preserved in the office of the Secretary of the State, owing to the continued usage, the exposure to which they have been subjected (notwithstanding the care of the officer having them in charge) and to the destructibility of the material of which they are composed, are now falling into rapid decay: *And whereas*, The same is true of the original manuscripts of the journals of both Houses of the General Assembly, confided to the keeping of the same officer: *And whereas*, It is the duty of every State to preserve such valuable manuscripts so long as it is possible to do; therefore,

SECTION 1. *The General Assembly of North Carolina do resolve*, That the Secretary of State be authorized and instructed to have said public acts and resolutions and private acts and resolutions, now in his charge, commencing from the foundation of the government, bound in some economical and durable manner and properly indexed, and that it shall be his duty further to have the said manuscripts of the journals of the two Houses of the General Assembly so bound for further preservation.

Secretary to have certain acts bound.

SEC. 2. *Resolved*, That this resolution shall apply to such manuscripts of acts, resolutions and the journals of this and succeeding General Assemblies of this State, and the Public Treasurer is hereby ordered to pay the cost of all such binding, as provided for in these resolutions, and for indexing the amount allowed for the latter purpose, not to exceed two hundred and fifty dollars.

Applies to present and succeeding legislatures.

SEC. 3. *Resolved*, That these resolutions shall go into effect upon their ratification.

When in force.

Ratified this 10th day of February, A. D. 1874.

RESOLUTION IN RELATION TO A "NORTH CAROLINA MANUAL."

SECTION 1. *Resolved by the Senate, the House of Representatives concurring*, That the Secretary of State shall

Secretary to have manual printed.

cause to be printed at once, and again next winter, and biennially thereafter, "A Manual of North Carolina," containing the constitution of the United States, the constitution of North Carolina, with the names of all the Governors and other executive officers of the State, Judges of the Supreme and Superior Courts, members and officers of the two Houses of the General Assembly, with such other chronological and statistical information as he may deem useful. *Resolved further*, That each publication shall cover one thousand copies, to be distributed as follows: Four to each Senator and Representative, one to each officer of the two Houses, one to each State officer, including Judges of the Supreme and Superior Courts, one to the Governor of each State, one to each Superior Court clerk for the use of their offices, and there to remain, ten copies to the State Library, and the residue to be equally distributed in the several counties of the State to such parties as the said Secretary may elect. *Resolved further*, That in no edition of said "Manual" after the first shall any name be reprinted except the names of those actually in office.

SEC. 2. This resolution shall be in full force after its ratification.

Ratified this 10th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF THE ENROLLING AND ENGROSSING CLERKS.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring*, That the enrolling and engrossing clerks be and they are hereby entitled and are authorized to receive the same pay for their services as the principal and assistant clerks.

SEC. 2. This resolution shall take effect from the first day of February, one thousand eight hundred and seventy-four.

Ratified this 11th day of February, A. D. 1874.

When in force.

Increase pay.

When in force.

RESOLUTION IN FAVOR OF W. C. THURSTON.

WHEREAS, Part of lot number two, block eighty-nine, as Preamble. laid out on Turner's place, in the city of Wilmington, was, on the sixth day of January, one thousand eight hundred and seventy-two, sold for taxes assessed for the year one thousand eight hundred and seventy-one, as the property of W. C. Thurston, and bought by J. W. Schenck, sheriff of New Hanover county, and by him conveyed to the State of North Carolina by deed dated the seventh day of January, one thousand eight hundred and seventy-two: *And whereas,* The time for the redemption of said property expired on the thirtieth day of November, one thousand eight hundred and seventy-three: Now therefore be it

Resolved by the General Assembly of North Carolina, Redemption
That upon the payment of all taxes and costs, as provided allowed. in section thirty-three, chapter one hundred and fifteen laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, the Secretary of State is hereby authorized to convey title of said lot to the said W. C. Thurston.

Ratified this 11th day of February, A. D. 1874.

RESOLUTION IN REGARD TO INDEXING THE JOURNALS OF THE
TWO HOUSES.

SECTION 1. *Resolved by the House of Representatives,* Clerks to index
the Senate concurring, That the Principal Clerks of the two Journals. Houses of the General Assembly be directed to make out complete and thorough indexes of the Journals of their respective Houses for this session, and that they be allowed the usual pay, to-wit, the sum of one hundred dollars therefor.

When in force

SEC. 2. This resolution shall take effect from its ratification.

Ratified this 11th day of February, A. D. 1874.

RESOLUTION AUTHORIZING THE GOVERNOR TO WITHDRAW THE
SUIT NOW PENDING IN THE SUPREME COURT OF THE UNITED
STATES.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* That the Governor is hereby authorized, when in his judgment he shall think proper, to withdraw the suit now pending in the Supreme Court of the United States, *Sibley vs. the Western North Carolina Railroad Company.*

May release sureties.

SEC. 2. That he is hereby authorized to take such action in the said suit as will indemnify and relieve the present sureties on the appeal bond.

When in force.

SEC. 3. This resolution shall take effect from its passage. Ratified this 12th day of February, A. D. 1874.

RESOLUTION ALLOWING R. B. CREECY AND STEPHEN D. POOL
ACCESS TO THE PUBLIC RECORDS FOR CERTAIN PURPOSES.

Resolved by the Senate, the House of Representatives concurring, That R. B. Creecy, of the county of Pasquotank, be allowed free access to all the public records of the State, in order to enable him to continue the history of North Carolina from the period reached by Dr. Hawks, or any other period, to such period within recent memory as may seem best to himself, and also to compile a compendium of our history adapted to the use of the public schools of the State.

Ratified this 12th day of February, A. D. 1874.

RESOLUTION ON ADJOURNMENT.

Resolved by the Senate, the House of Representatives concurring, That the General Assembly adjourn on Monday, the sixteenth of February, at the hour of twelve M.

Ratified this 13th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF THE FAYETTEVILLE NATIONAL BANK.

Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be and he is hereby authorized and empowered to pay to the Fayetteville National Bank of Fayetteville six hundred and three dollars, money improperly collected as taxes under a misunderstanding of the Revenue bill for the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two.

Ratified this 14th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF CERTAIN NEWSPAPERS.

Resolved by the Senate, the House of Representatives con- Allows pay, &c.
cursing, That the Public Treasurer be and is hereby authorized to pay the editors of such papers for publishing an act in relation to foreign insurance companies as were authorized by him to publish the same.

SEC. 2. This resolution shall be in force from and after its When in force.
ratification.

Ratified this 14th day of February, A. D. 1874.

RESOLUTION TO AMEND A RESOLUTION IN FAVOR OF THE SHERIFF OF BLADEN COUNTY, RATIFIED THE THIRD DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That a resolution in favor of the sheriff of Bladen county, ratified the third day of December, one thousand eight hundred and seventy-three, be amended by striking out the word February and inserting March.

SEC. 2. This resolution to take effect from and after its ratification.

Ratified this 14th day of February, A. D. 1874.

RESOLUTION OF INSTRUCTION TO THE ATTORNEY GENERAL.

Resolved by the Senate, the House of Representatives concurring, That the Attorney General be and he is hereby authorized and directed to investigate what disposition has been made with a lot of timber purchased by the State, and for which (5) five thousand dollars was paid and which was delivered at or near Lockville, in the county of Chatham, and if it shall be ascertained that any individual or corporation has taken possession of or appropriated such timber to their own use, he shall at once institute suit against such party for the collection of the value of the timber, and in such investigation he is hereby authorized to send for persons and papers.

Ratified this 16th day of February, A. D. 1874.

When in force.

Investigate sale of timber, &c.

RESOLUTION IN RELATION TO THE PUBLIC LIBRARY.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* That the State Librarian is hereby authorized to contract for the making of four alcoves for the State Library: *Provided,* The entire cost shall not exceed one hundred dollars. That upon the same being placed in the Library the Auditor is directed to audit the same and issue his warrant upon the Treasurer for the amount.

Provides for additional alcoves.

SEC. 2. This resolution to be in force after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF JOHN RANKIN, OF GRAHAM COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the Treasurer of the Board of Education pay unto John Rankin, treasurer of Graham county, the amount of one hundred and thirty dollars and forty cents (\$130.40.)

SEC. 2. That this resolution shall take effect from its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF PRINCIPAL CLERKS.

SECTION 1. *The General Assembly of North Carolina do resolve,* That the Principal Clerks of the Senate and House of Representatives be each allowed one hundred dollars for extra work.

SEC. 2. That this resolution shall be in force from and after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF JOSIAH TURNER, JR.

SECTION 1. *Resolved by the General Assembly of North Carolina*, That the Public Treasurer be instructed to pay to Josiah Turner, Jr., one hundred and sixty-six dollars and forty-five cents (\$166.45), for printing done for the General Assembly.

When in force.

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION APPOINTING J. TURNER MOREHEAD, OF ROCKINGHAM COUNTY, A MEMBER OF THE BOARD OF PUBLIC CHARITIES.

Resolved by the Senate, the House of Representatives concurring, That J. Turner Morehead, of Rockingham county, is hereby appointed a member of the Board of Public Charities to succeed William Barrow, resigned, whose term expires the first of July, Anno Domini one thousand eight hundred and seventy-four, and for a term of five years from that date.

When in force.

SEC. 2. This resolution shall be in force from its ratification.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION SUPPLEMENTAL TO A RESOLUTION ENTITLED "A RESOLUTION AUTHORIZING THE GOVERNOR TO WITHDRAW THE SUIT NOW PENDING IN THE SUPREME COURT OF THE UNITED STATES," RATIFIED THE TWELFTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Resolved by the Senate, the House of Representatives concurring, That for the purpose of indemnifying and relieving the sureties on the appeal bond in the case of Hiram Sibley and others *vs.* the Western North Carolina Railroad Company, the Governor shall be authorized and is hereby authorized to draw his warrant upon the State Treasurer for such an amount as may be necessary for that purpose, which warrant shall be paid out of any money in the treasury not otherwise appropriated.

Governor to draw warrant.

Be it further resolved, That this resolution shall take effect from and after its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION IN FAVOR OF THE DOOR KEEPERS OF THE GENERAL ASSEMBLY, AND OF CERTAIN OTHER OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do resolve, That the Treasurer of State is authorized and instructed to pay the door keepers and assistant door keepers and pages of each branch of this General Assembly ten dollars each, in addition to their regular *per diem*.

Resolved further, That the Engrossing Clerks of the House and Senate, and the Enrolling Clerk of this General Assembly receive the additional sum of seventy-five dollars apiece for their services, and that the Auditor is hereby directed to audit their accounts for that sum.

When in force.

This resolution shall go into effect from and after its ratification.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION TO RELIEVE TIMOTHY F. LEE, SHERIFF OF WAKE COUNTY.

Resolved by the House of Representatives and the Senate, That Timothy F. Lee, sheriff of Wake county, be and is hereby relieved from all pains and penalties incurred and imposed by reason of his failure to settle the taxes of Wake county for the year one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, as provided by law.

Resolved further, That said Lee is hereby allowed until the first day of April, one thousand eight hundred and seventy-four, to settle the remaining one-fourth of taxes due the State by Wake county, and any pains and penalties which have been incurred by failure to settle the one-fourth still due are hereby relieved and shall not be enforced; *Provided,* Said Lee shall pay all costs of any suit against him and his bondsmen on account of not settling one-fourth still due; *Provided,* That said Lee shall not be relieved from any penalties or costs heretofore incurred, and until he pays to State Treasurer said taxes due 1st day of April, one thousand eight hundred and seventy-four.

This resolution shall take effect from its ratification.

Ratified this 16th day of February, A. D. 1874.

Allowed till first of April.

Proviso.

When in force.

RESOLUTION IN FAVOR OF READING CLERKS OF BOTH HOUSES
OF THE GENERAL ASSEMBLY.

Resolved by the General Assembly, That the Reading Clerks of the General Assembly be allowed each an additional compensation of one hundred dollars.

Ratified this 16th day of February, A. D. 1874.

RESOLUTION IN RELATION TO THE EXPENSES OF SHERIFFS.

Resolved by the House of Representatives, the Senate concurring, That the Auditor is hereby instructed and required to audit the claims of sheriffs for the actual expenses of conveying convicts to the Penitentiary and the Treasurer is hereby directed to pay all such warrants properly drawn upon him out of any moneys in the treasury not otherwise appropriated.

This resolution shall be in force from its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

A RESOLUTION IN FAVOR OF ALEXANDER DAWSON AND OTHERS.

The General Assembly of North Carolina do resolve, That the Public Treasurer be and he is hereby instructed and directed to pay to Alexander Dawson, Dennis W. Beaver, Eldridge Cheek and Mangum Johnston, the sum of sixty dollars out of any moneys not otherwise appropriated, for the arrest and delivery of one Luther Duty, an escaped convict from the Penitentiary.

This resolution to be in force from its ratification.

When in force.

Ratified this 16th day of February, A. D. 1874.

Certificate.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, March 5th, 1874.

I, WILLIAM H. HOWERTON, Secretary of State, hereby
certify that the foregoing are true copies of the original
acts and resolutions on file in this office.

WILLIAM H. HOWERTON,
Secretary State.

*Index to Public and private Laws
& Resolutions, 1873-'74, Regular Session*

INDEXES

TO THE

LAWS AND RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF NORTH CAROLINA,

PASSED AT ITS

SESSION 1873-'74.

This index covers Resolutions, 1873-1874.

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